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The American Political Science Review

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RECENT DEVELOPMENTS IN POLITICAL GEOGRAPHY, II

RICHARD HARTSHORNE

University of Minnesota

III. SCOPE OF THE FIELD

With the field of political geography defined on the lines indicated in the preceding instalment of this article, its content may be outlined in terms of the study of a single state area. Naturally, such studies of different states may lead to the comparative study of state areas, just as regional studies may lead to a comparative science of regions. The outline which follows represents perhaps a minimum, including only those topics which I think are unquestionably to be included.

I. Descriptive analysis of the state
   A. Description or analysis of the state as a whole
      1. Size
      2. Form and shape
      3. Location in relation to other state areas
      4. Boundaries
   B. Analysis of the internal structure of the area
      1. Natural landscape areas, or provinces
      2. Cultural landscape areas, or provinces
      3. Areal distribution of significant population groups
      4. Location of the administrative center (capital)
      5. Geographic relations of the different areas thus analyzed, to each other and to the capital

II. Interpretation of the present area
   A. Relation to "kernel areas" and major limiting areas
   B. Directions and character of territorial change

III. Appraisal of the present territorial area and its problems
   A. Degree of conformity with natural or cultural landscape areas, or with special population areas
   B. "Harmonic" or "disharmonic" forms

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Geographic Analysis of the State. The analysis, or interpretative description, of the nature and content of the area of the state constitutes the major portion of the field of political geography. The sub-headings given here are found, along with some others, in most of the major studies in the field, notably those of Ratzel, Supan, and Maull.[86]

Under "size" is included not merely the actual area of a state, but also, and more significantly, what may be called the "effective size" of the area. By this I mean the extent of different qualities of land: plains and mountains, deserts and well-watered areas; intensively developed and extensively developed landscapes, in terms of fields, houses, mines, factories, railroads, etc. To be sure, we have no statistics that measure this directly, but can only estimate it from figures of production and of population. The concept remains, none the less, areal and mathematical.

We commonly think of states as having a one-part form, i.e., a single, continuous area, since most of those of our time do so; but a very few, notably Germany, have parts separated by the areas of other states. Furthermore, quite a number have multi-part forms in that their parts are separated by international waters—for example, Italy or the United Kingdom.

The significance of shape is illustrated by the contrast between Czechoslovakia and Hungary, or between Uruguay and Chile.

Under location is studied the relative location of the area in reference to any outside areas which are, or might be, of concern to it. As a major political area, the most striking feature of the United States, other than its size, is its relative remoteness from any other such area. Germany, of course, represents the opposite extreme. In this connection, it is necessary to consider much more than the appearance of the areas on the ordinary political map. In the first place, it is the location of the dominant region, or regions, of the state that is significant. The location of the Soviet Union with reference to Japan is not similar to that of France with reference to England, a factor which through nine centuries has been of major importance in the foreign relations of the latter two countries (whether expressed actively or passively). Secondly, the geographer understands by relative location more than mere distance. Even with Austria included with the other German states,

[86] In Maull's treatise, this portion constitutes over two-thirds (484 pages) of the total and was rated by Schlüter as much the most valuable part.

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the relation of that Germany to Italy is quite different from its location with reference to France.

The same qualifications must be applied to the vexed question of "access to the sea." The United States is inevitably far more an Atlantic state than a Pacific state (by much more than even the ratio of population, east to west, of 9 to 1). Bolivia, as Preston James has said, has not been isolated from the Pacific by Chile, and would not be brought nearer the Atlantic by victory in the Chaco; for the essential populated area of that Andean state is, by nature, isolated from all seas, whatever may be done to the political map. Similarly, it is a total misunderstanding of the economic geography of Russia to speak of the expansion of that state to the Pacific as another attempt to attain a sea outlet.

The areas that are included within any state are, in fact, determined in the drawing of its boundaries. Hence it is not surprising that that particular branch of the field has been the subject of the greatest number of studies. Most English-speaking writers err in listing only the two brief and very incomplete studies of the soldier-administrator, Lord Curzon, and the geographer, Fawcett.[87] Much more important, in quantity as well as quality, are the works of a long line of German geographers,[88] especially the recent series of studies in principles and methods started by Sieger and Penck and continued by Maull, Sölch, Vogel, Haushofer, and others.[89]

[87] Lord Curzon of Keddleston, *Frontiers* (Oxford, 1908); Fawcett, *Frontiers, op. cit.* To these might be added Th. H. Holdich, *Political Frontiers and Boundary Making* (London, 1916), an illuminating description of practical problems drawn from the author's experiences on boundary commissions in Central Asia and South America (Argentina-Chile).

[88] Contrary to Lord Curzon's impression, accepted by Fawcett and others, that he was the first to consider this topic systematically, the German literature begins with studies of Ratzel and his student A. Förster, *Zur Geographie der politischen Grenze* (Diss. Leipzig, 1893), in its time an important study, published in part in *Mitt. d. Ver. f. Erdkunde* (Leipzig, 1892).

[89] J. Sölch, in his brief but masterly study, *Die Auffassung der "natürlichlichen Grenzen" in der wissenschaftlichen Geographie* (Innsbruck, 1924), based largely on the system developed by Sieger, gives an excellent view of most of the work to that date. Since then have appeared K. Haushofer, *Grenzen in ihrer geographischen und politischen Bedeutung* (Berlin, 1927); Otto Maull, *Politische Grenzen* (Weltpol. Bücherei, Bd. 3, Berlin, 1928); and Col. Vittorio Adami (of the Historical Section, Italian General Staff), *National Boundaries in Relation to International Law* (London, 1927). A longer list is cited in Hartshorne, *op. cit.*, pp. 195–196. I have discussed some of these terms and suggested a number of new ones in "Suggestions on the Terminology of Political Boundaries" in "Festschrift zur Ehre Wilhelm Volz," *Mitteil. d. Ver. d. Geographen a.d. Univ. Leipzig* (in press).

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Particularly significant is Sieger's critique, which should eliminate the ancient but misleading distinction between so-called "natural" and "artificial" boundaries.[90]

Sieger's theoretical analysis has been applied by his followers to concrete problems. In his study of the new boundary in the Tyrol, Sölch, modifying and improving the terminology of his former teacher, not only showed the fallacies in the popular concept of the Brenner water-shed as "the natural boundary," as incorporated in the treaty of St. Germain, but made clear that a line could have been found which would far more completely have met with the interests on both sides, had this expert information only been available at Paris in 1919.[91] While my study of the far more complicated situation in Upper Silesia could not lead to anything like as clear a conclusion, its analysis of the specific elements in the boundary problem in that debated area should provide a much clearer and more scientific basis for practical decision than the confused information that either was available at Paris in 1919 or is obtainable from the political discussions since.[92]

The sub-headings under internal analysis (B) are self-explanatory. It should, however, be pointed out that English-speaking students may easily be misled by the term so much used by German "chorologists": "*Landschaft*," particularly in the forms "*Naturlandschaft*" and "*Kulturlandschaft*." Commonly translated "landscape" by American students (after Sauer), in the original it means at the same time "province," or "region" (cf. the French

[90] Sieger made this point first in 1902 in "Die Grenzen Niederösterreich," *Jahrb. f. Landeskunde Niederösterreich* N. F. 1, and discussed it most fully in "Zur pol.-geog. Terminologie," *op. cit.* It can perhaps more readily be found in his items on "Grenztheorie" and "Natürliche Grenzen" in *Politisches Handwörterbuch* (Leipzig, 1923), in Sölch, *op. cit.*, or in Maull, *Politische Geographie*, pp. 142–147. Similar conclusions were drawn by Vallaux, in 1911, and Febvre, in 1923, apparently independently of each other and certainly of Sieger, since neither of these French writers appears to have heard of him. The substitute classification which Vallaux first offered, in *Le Sol et l'État*, pp. 367 ff., is interesting but hardly satisfactory, as he seems now to admit by omitting it from his later work, Brunhes and Vallaux, *op. cit.*, pp. 354–361.

[91] Sölch, *op. cit.*, pp. 49–51. See also his "The Brenner Region," *Sociol. Rev.*, Oct., 1927, pp. 1–17. His statements in regard to the language divide are confirmed by the extraordinarily fine maps (one based on the pre-war Austrian statistics, one on the 1921 Italian census), in Hans Schwalm, "Volks- und Kulturboden in Tyrol," *Handwörterbuch des Grenz- und Auslanddeutschtums* (Breslau), Band I.

[92] An excellent detailed treatment, on a somewhat different basis, is found in C. Uhlig, *Die Bessarabische Frage, eine geopolitische Betrachtung* (Breslau, 1927).

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"*paysage*," as used by Brunhes and others), and in many cases only one of the latter terms makes sense in ordinary English.[93]

Interpretation. It is not intended that the topics included under the second and third headings must be separated from those under the first; in a particular study they might be included in the interpretation of the analysis as that is developed. But for the present delineation of the field, it seems worth while to consider them separately.

By a "kernel area" is meant the original district ("cell," according to Maull[94]) in which the present state had its birth, from which it extended to its present area. The "Ile de France," the lowland around London, and the province of Holland are classic examples. Federated states, of course, have more than one of these—in the United States, the Boston Basin, lower Hudson Valley, southeastern Pennsylvania, James River Valley, and others.

In sharp contrast to the original nucleus districts of states are the major limiting areas, or natural dividing zones (*Grenzgürtel* of Maull[95]). These are the relatively undeveloped areas which impose, with varying degrees of effectiveness, hindrances to the expansion of the state.

It should be obvious that the present area of any state cannot be interpreted simply in terms of the natural and cultural landscape alone, but, as in all geography, the historical factor is also essential —"culture working through time in the medium of the natural landscape," as Sauer puts it.[96] Obviously, the geographer must here borrow many of his facts from history, but he uses them and interprets them for his own purpose, namely, the understanding of the area. As geographers have never hesitated to use the works of geologists where needed for their purposes, so they need not hesitate to use those of historians, ethnologists, etc.[97] But in con-

[93] Sieger finds that the word describes both "areas of a certain medium order with uniform character, and also their sensually perceptible peculiarity," rev. of Maull's *Politische Geographie*, in *Geog. Z.*, 1926, p. 379. Albrecht Penck, writing on "Geography Among the Earth's Sciences," in English, writes "Landschaft (region)," in *Proc. Am. Philos. Soc.*, 1927, pp. 621–644, reference on p. 640. According to Preston James, the use of the English word "landscape" in this sense is justified by its original use in the Old English form. James, *op. cit.*, pp. 78–79.

[94] *Op. cit.*, pp. 80–85.

[95] *Ibid.*, pp. 601–608.

[96] "Morphology of Landscape," *op. cit.*, p. 46.

[97] Compare Brunhes and Vallaux, *op. cit.*, pp. 24–25; P. Vidal de la Blache, *Atlas général* (Paris, 1894, 1921), preface.

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trast to the historian, the geographer is not concerned primarily with the sequence of events, with the processes of state development, but merely with as much as is necessary to explain the present areal situation.

For example, Whittlesey shows in a recent study that the anomalous political status of Andorra—surely the most striking characteristic of that otherwise not unusual mountain area—is not, as many have supposed, a simple problem in "isolation" to be explained from a relief map. For the interpretation requires an understanding, in terms of a detailed map of mountain routes, of political forces and events in the surrounding area since the thirteenth century, in particular the Acte de Paréage, in 1278, between the Count of Foix and the Bishop of Urgell. But throughout the paper Whittlesey maintains his fundamental interest in the problem of the present political *area*.[98]

The significance of "direction of expansion" can be illustrated by the case of the United States. Clearly it is of great importance in the political geography of the country today that the state originated in the federation of various regions along the Atlantic seaboard and then spread over the Appalachians into the Mississippi Valley and beyond. Consider the difference had it started in that great river valley, and then spread eastward to the "Atlantic fringe." But the sequence of events which led Jefferson to change his theory of the constitution in order to buy the Louisiana territory, and Napoleon to sell it, are phenomena of concern to the historian, not to the political geographer.

What is meant by the character of expansion may be illustrated by the differences in two parts of the German province of Silesia, as it was in 1922. Until that time, Upper Silesia had never been politically separate from Lower Silesia, but the marked separation in the life and thought of the people was well recognized in *Oberschlesien*, leading to the demand of a part of the population for autonomy or for union with Poland. This separation is understood only when one learns, from history, that the inclusion of Lower

[98] Derwent S. Whittlesey, "Andorra's Autonomy," *Jour. Mod. Hist.*, June, 1934, pp. 147–155; similarly, in his "Trans-Pyrenean Spain: The Val D'Aran," *Scot. Geog. Mag.*, 1933, pp. 217–228. The comparison between these two studies and the same writer's earlier study of Cuba, "Geographic Factors in the Relation of the United States and Cuba," *Geog. Rev.*, 1922, pp. 241–256, illustrates strikingly the difference between political geography studied as a branch of "the science of areas" and that studied in terms of relationships.

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Silesia in the German states of Austria and later Prussia was *consequent* to centuries of expansion of German colonists into a formerly Polish area, but that this process was never accomplished in the more remote and sandy-soiled portion of the province, which remained in large part Polish, although separated politically from Poland simply as a result of dynastic conflicts.[99] For the United States, the contrast between Hawaii and Porto Rico comes to mind.

Appraisal. On first thought, the critical reader may object to the inclusion of "appraisal" in the geographer's study of the territory of a state. Unquestionably, that topic has tempted many a geographer, as will be noted later, not only into other fields of science, but beyond science altogether, especially when the student is studying his own country. Nevertheless, appraisals can be made objectively, and the geographer has his special interest and contribution to make in the evaluation of a state's territory—a contribution which, on the basis of the foregoing analysis, he is better able to make than any other student.

Certainly the geographer is interested in the extent to which the political area of Greece conforms with that part of the Balkan peninsula which is "Mediterranean" in climate, vegetation, agriculture, and trade. Nor should he neglect to consider the degree of conformity of the state with the areas which have as one of their "regional characteristics" (Hettner[100]) a population predominantly Greek in language and culture.[101] Only, as a scientist, he must be on his guard against assumptions of what ought to be (to say nothing of how he would like things to be).[102]

Most difficult of all is the evaluation of the synthesis of the territories that make up the state area. Kjellén showed that a homogeneously developed area is less suitable for the territory of a state than one including a variety of different economic-geographic regions. And certainly no one better than the geographer can describe the situation of the homogeneous agricultural plain of

[99] Hartshorne, *op. cit.*, pp. 196–198.

[100] *Op. cit.*, pp. 128–130.

[101] Otto Maull, "Kultur- und politischgeographische Entwicklung und Aufgaben des heutigen Griechenlands," und "Karte des Makedonisch-Albanischen Grenzgürtels," *Mitt. Geogr. Ges. in München*, 1915, pp. 145–165, Taf. vii.

[102] Thus in the appraisal of political boundaries in Upper Silesia the writer, to the disappointment of some readers, abstains rigorously from any conclusion "for" or "against" the "Geneva boundary" of 1922, or as to what, if anything, should be done about it.

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Hungary, separated politically from surrounding forested mountain lands containing significant mining and some small manufacturing development. The inclusion of such heterogeneous but complementary regions within the state would give it what is variously called an "harmonic" or "organic" form.[103] It need not be demonstrated here that such an ideal form is impossible for all, or even most, states, even if all the political boundaries of the world could be drawn with that consideration in mind. But the extent to which a state area approaches that ideal is certainly a significant feature in its appraisal.

Of more practical value, perhaps, is the study of the relation of the political subdivisions of the state to the different regions included in it. Where these subdivisions have considerable independence, as in federated states, this topic is of real importance. For example, North Dakota is a part of one of the major geographic regions of the United States, the Central Northwest, a region which includes not merely the spring wheat area, but also portions of the grazing lands, of the dairy belt, and of the corn-meat belt, together with the world's richest iron-mining district and part of the declining lumber area of the Upper Lakes; the whole region having its major "metropolitan" center for trade, finance, and some manufacturing at Minneapolis-St. Paul, with a minor center at the lake port of Duluth-Superior. But the political unit, North Dakota, is a singularly homogenous area included almost entirely in one of these types of areas—the commercial wheat area—and is separated from its major regional centers which are in the neighboring state of Minnesota. The importance of this situation is particularly clear today in the almost bankrupt condition of the state of North Dakota.

It is a peculiar characteristic of the internal political geography of the United States (in marked contrast with Australia, for example) that so many of its states have their regional center located in another state: Iowa, whose economic and cultural capital is Chicago; Kansas, with a dominant trade center at Kansas City, Missouri; Mississippi, focussed on New Orleans; New Jersey, split between New York and Philadelphia; and all of southwestern New England, dominated by New York.

[103] These concepts are discussed at length in all of the recent German studies of importance. For critical analysis of the views of Kjellén, Penck, Sieger, Sölch, and Maull, see Sölch, *op. cit.*, pp. 35–46; Maull, *op. cit.*, pp. 613–625.

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On the other hand, mere heterogeneity without natural connections or complementary relations gives a state constant problems of balancing conflicting interests of its different areas. Tennessee and Kentucky, each split into three or more population areas not only different in character but until recently poorly connected, are well-known examples in geographic literature.[104] Somewhat similar situations are notable characteristics of Pennsylvania, Idaho, and many others of our states. Most extreme, perhaps, is the state of Washington, hopelessly split into the sub-humid intermontane basin in the east and the humid coastal hills and plain around Puget Sound. Every meeting of the state legislature reflects the conflicting interests of these dissimilar regions on each side of the Cascades.[105]

Other Topics Included. Certain topics not specifically listed in the suggested outline for the study of a state should nevertheless be included in one way or another within the scope of political geography.

Hettner,[105a] for example, would include the consideration of political events in any region, in so far as they were regionally distinctive and related to other regional features or phenomena. Thus Wright's[106] composite map of national elections in the United States since the Civil War would represent a basis for a particular study in the political geography of the different regions of the United States. Certainly the striking contrast between the consistently Democratic vote of the fertile limestone counties in Kentucky and Tennessee and the equally consistent Republican vote of the near-by mountain counties in the same states would conform to both of Hettner's geographic criteria. On the other hand, a map of the 1932 election interests the geographer little, because of the

[104] This situation was analyzed for Tennessee by C. G. Glenn, in *Resources of Tennessee* (April, 1915), pp. 44–63, republished as "The Geographic Divisions of Tennessee," in C. C. Colby, *Source Book for the Economic Geography of North America* (Chicago, 1921, 1922), pp. 246–256.

[105] A valuable contribution of geography to the problem of local governmental units is given in Stephen B. Jones' detailed study of "Intra-State Boundaries in Oregon," which emphasizes the importance of the transportation pattern in any plan for county consolidation. *The Commonwealth Review* (University of Oregon), July, 1934, pp. 105–126; (see abstract in my note in forthcoming number of the *Geog. Rev.*)

[105a] *Op. cit.*, p. 130.

[106] J. K. Wright, "Voting Habits in the United States," *Geog. Rev.*, 1932, pp. 666–672.

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temporary elimination of regional differences; he is not concerned with the "Vare vote" that kept Philadelphia Republican. Similarly, a detailed study of the plebiscite held in Upper Silesia in 1921 reveals very significant local geographic differences.[107] On a larger scale, a complete study of the political geography of the United States could hardly omit consideration of the regional conflict that led to our Civil War.

It is quite likely that such political events would be considered in any study as expressions of regional differences included in the analysis of the internal structure of the area, so that they are not necessarily omitted from the outline, even though no special heading is listed for them.

A more doubtful topic is met in evaluating the synthesis of areas that form the territory of a state. Is the political geographer, as such, concerned with the ability of a certain political territory to provide the requirements for political power, in peace or war? Both Bowman and Sauer have considered this question without definitely answering it.[108] It hardly need be said that this topic forms a large element in the work of the Geopolitikers. To the writer, this question admits of no certain answer. When one crosses from Switzerland into Germany, there are unquestionably many differences in life and thought that result simply from the fact that one country is a "small power," the other a "great power." While these differences have, no doubt, their physical expressions in the landscape, they are essentially differences in "spiritual characteristics," and according to some geographers must therefore be ruled out. But, following Hettner,[109] they are geographically significant because they represent differences in different areas that are significantly related to other regional differences, i.e., size, industrial development, coal deposits, etc. But the geographer's emphasis is always on the area itself, with power, actual or potential, as one of its characteristics, and not on the question of power itself with its international consequences.

Other problems which lie certainly within the field of political geography are those concerning areas of the earth's surface that are not included within any state, and hence not included in our

[107] Hartshorne, *op. cit.*, 209–212. Wm. Volz, *Die Volkische Struktur Oberschlesiens* (Breslau, 1921), pp. 5–13.

[108] Bowman, *Geography in Relation to the Social Sciences*, pp. 207–209; Sauer, "Recent Developments in Cultural Geography," *op. cit.*, p. 210.

[109] *Op. cit.*, p. 130.

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basic outline. For land areas of this category (dependencies) a similar outline might suffice,[110] but the study of the seas, which are inter- or non-national, would require a very different treatment. The focus of attention, however, remains the same, namely, on the sea area that is under consideration, its size, form, location, and boundaries (coast-line), and the distribution within it of islands (for coal and naval stations), ship routes and cable lines, etc.; rather than directly on the development of sea-power or similar essentially political-historical topics. So far as I know, such a treatment of the oceans and seas of the world has not been attempted.[111]

Landscape Effects of Political Organizations. One further aspect requires special consideration, namely, the study of effects of the state on the cultural landscape. These include much more than the boundary-stones, fortresses, government buildings, and other features erected by the state for its own purposes. The state, or its subdivisions, is usually responsible for the construction, or control of construction, of schools, parks, drainage and irrigation ditches, roads, canals, and in many countries railroads. Furthermore, by its legal and educative forces, the state notably influences the character of houses, farms, estates, etc. German geographers have been particularly impressed by the differences in all these features of the cultural landscape on the two sides of the pre-war German-Russian frontier. In my studies in Upper Silesia, these differences were found to be as marked today as they were twelve years ago, when the boundary stones were removed and the custom-houses, their shields torn off, were converted into ordinary dwelling-houses.[112] Systematic studies of such landscape features have been made by Hassinger (Vienna) and Whittlesey.[113]

[110] Such a study would be of quite different character from either Demangeon's or Fawcett's studies of the British Empire.

[111] But there is much of value for political geography in Fr. Ratzel, *Das Meer als Quelle der Völkergrosse. Eine politisch-geographische Studie* (Munich, 1900, 1911); K. Haushofer, *Geopolitik des Pazifischen Ozeans, Studien über die Wechselbeziehungen zwischen Geographie und Geschichte* (Berlin, 1924, 1928); Josef März, *Landmächte und Seemächte* (Weltpol. Bücherei, Bd. 10, Berlin, 1928), and *Die Ozeane, in der Politik und Staatenbildung* (Breslau, 1931); as well as in Admiral Mahan's classic study, *Sea Power and History*, and that of a follower from the British Navy, Admiral G. A. Ballard: *America and the Atlantic* (New York, 1923).

[112] Hartshorne, *op. cit.*, pp. 208, 213–223; and "The Upper Silesian Industrial District," *Geog. Rev.*, July, 1934, pp. 423–438.

[113] H. Hassinger, "Der Staat als Landschaftsgestalter," *Z. f. Geopolitik*, 1932, pp. 117–122, 182–187; "Derwent Whittlesey, "The Impress of Effective Central Authority upon the Landscape," *Annals Assoc. Amer. Geog.*, June, 1935, pp. 85–97.

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Few would question the inclusion of this topic in the general field of geography, but there is some disagreement among geographers over which branch of the subject should include it. Obviously, the full study of any region ("special geography" in the usual German classification) will include these facts and their relationships along with all other features of the landscape. But regional geographers have always had to depend, and as Hettner[114] shows will continue to depend, on general geography ("systematic geography"), in which any particular feature or group of features are studied comparatively in different areas of the world. There is proper place here, therefore, for the systematic study of what may, for short, be called political features of the landscape, i.e., landscape in the narrower, English sense. Maull argues, with some logic, that this is a part of general cultural geography, rather than of political geography,[115] but the point is perhaps of little practical significance; "provincial boundaries" within a single field of science require no markings, let alone patrols. In any case, American geographers have had these features called to their attention chiefly by students of political geography.

Debatable Territory. Political geography we have defined as a border field of geography; in the foregoing discussion of its content, we have noted various topics the pursuit of which leads many of its students far beyond the limits of geography. Particularly those geographers who define their subject as a science of relationships are to be found working "in the very midst of history" or political science. Those who define the subject in terms of chorography, the science of areas, commonly keep closer at home, but some of these also go farther in certain directions than seems consistent with their fundamental concepts.

Many readers, no doubt, will ask what value there is in considering at great length the academic questions of definition and delimitation of a field of study. Why not simply let each student work where, and as, he pleases; a border subject is bound to overlap two or more fields. But is not a border field the very place where a clear conception of at least one's main goal and general limitations is most needed? Any who doubt this are referred to the works of those writers who have made little effort to define their field or to

[114] *Op. cit.*, p. 218.

[115] Maull, *op. cit.*, pp. 43–44. Passarge and Hassinger, on the other hand, include this as part of political geography.

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recognize definite limits to the area of knowledge in which they are "at home." The school of Geopolitik includes, no doubt, some of the worst offenders in this respect, as critics, both within Germany and without, have frequently charged; but they are by no means the only ones.

While it is neither necessary nor desirable to locate any exact boundary line nor establish any border control, it is desirable to consider the nature of certain debatable areas which some authorities have included in the field. We need not, however, consider further those topics which have already been classified as geographic history (the geography of history, according to Brunhes), which covers well-nigh the entire field of history and is, *ipso facto*, history. Likewise we shall omit the geography of war, whatever be the contributions that geographers have made to that branch of history, or more specifically military science. But other topics require more examination.

Passarge, among others, includes in the analysis of internal structure the character of population groups as related to the different natural and cultural landscapes. He is particularly interested in the development of different social types: "nomadic," "fellahin," "sartoid," etc.[116] As a topic of direct interest, this would seem to be a problem in the geography of peoples and races, if not rather in ethnology.[117] The significance of such characteristics to political events is surely several steps removed from geography.[118] On the other hand, the geographer's analysis of the different areas of a state should certainly include a depiction of parts predominantly nomadic, say, in population, in contrast with others settled by free farmers or by "fellahin."

In interpreting the present area of a state (or of any subdivision), we have seen that the geographer draws upon history for the facts of development necessary for understanding what he finds today. But when we consider the actual processes by which states grow or decline in area, with the attention focussed on those processes—

[116] "Aufgaben und Methoden der politischen Geographie," *op. cit.*, pp. 456–460.

[117] For the distinction here, see Hettner, *op. cit.*, pp. 145–146. Hettner, however, recognizes that certain individual geographers who have lived among primitive peoples "have maintained a personal union with ethnology." Passarge would presumably be included among these.

[118] The logical extreme of this is found in Banse's discussion of the relation of such characteristics in peoples and nations to the development of the state and the conduct of war. *Op. cit.*

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the life processes of a state as a space-organism—then he is in debatable territory between geography and political science. It cannot be questioned that the majority of students of political geography have followed Ratzel in including the development and growth of states in their field of study.[119] The school of Geopolitik has been particularly concerned with this "dynamics" of the state, but some of its members recognize that this carries them, as Sieger pointed out, beyond the limits of geography.[120] For those students who see the main goal of geography in the study of relations between man's works and earth conditions, the question of development of a state would appear as a proper part of the field. But it is particularly here that the geographer will be required to study problems remote from his basis of training, problems not only of peoples (*Volkskunde*), which the Geopolitikers do recognize and calmly include in their field, but also of political theory. Few geographers can command such a range of training and information as to work with assurance with this material. Inevitably in most cases they will, as Grabowsky[121] says of the Geopolitikers, greatly over-emphasize the importance of the one factor—area.

If, however, the geographer's attention is focussed on the area or region, he will be only indirectly interested in the *processes* that led to the historical development of that political area; he will prefer to leave to others the development of general principles of state origin, growth, and decline.

The analogy with physiographic processes is obvious, and it seems fair to suggest that, if the science which studies mountain formations, peneplanation, in general the *processes* which have produced the present forms of the earth's surfaces, were a proper branch of geography as physical geography, then the study of the processes which have led to the present forms of the earth's politi-

[119] Including Vallaux, Vogel, Dix, Maull, Fairgrieve, and, of course, all those who wrote in terms of the relations of geography and (political) history.

[120] Lautensach, *Geopolitik* (Frankfurt a.M., 1929), pp. 5–7; R. Sieger, items on "Politische Geographie," "Geopolitik," and "Staatenkunde," in *Politisches Handwörterbuch* (Leipzig, 1923).

[121] Adolf Grabowsky, until recently editor of the *Zeitschrift für Politik*, more than any other non-geographer of our time, has concerned himself with the relation of political geography to political science. In particular, he emphasizes the distinction between the former which studies present areas and the latter which studies the dynamics of state changes. See particularly his *Staat und Raum* (Weltpol. Bücherei, Bd. I, Berlin, 1928).

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cal map would likewise be a proper part of political geography.[122] But since I would agree with Hettner[123] and many others that the study of physiographic processes for themselves is not in the field of the geographer, but is rather a branch of geology (or an independent field, if one likes), I would similarly conclude that the study of the processes of a real state development is the concern of the student whose interest and training have been centered primarily on the state itself, rather than upon areas.

Maull makes the practical claim that, since Kjellén, the greatest amount of study of this problem has been made by political geographers, most of whom have followed Haushofer into Geopolitik, and "have surveyed and cultivated in every corner of the field."[124] But the claim to a field depends perhaps less on the cultivation, and more on the value of the crop produced. If that yielded from the work of geographers proves inferior, they may decide to give place to those more familiar with the soil, though not without leaving it significantly enriched by their work.

Negative decisions in regard to such debatable areas do not mean that the political geographer should not, under any circumstances, enter them. The individual student may, of course, work with assurance in any area outside his normal field where his general training, or special study, have made him familiar with all the elements in the problem.[125]

Furthermore, the political geographer desiring to borrow material and conclusions from the neighboring field for his own use will frequently find them lacking. In other branches of his subject he he has not hesitated in such cases to do his own research, in physiography, soils, or climate; neither will he stop at the boundary of political science, if no one on the other side can help him out.[126]

[122] Since first writing this, I find that Maull had previously used the same analogy, though it led him to an opposing conclusion, since he includes physiography in geography. Otto Maull, "Politische Geographie und Geopolitik," *Geog. Anz.*, 1926, p. 251.

[123] *Op. cit.*, pp. 119, 145. See also Barrows, *op. cit.*, p. 4; Douglas Johnson, *op. cit.*, pp. 208–211.

[124] Maull, *loc. cit.*

[125] For example, Whittlesey's study of Cuba, *op. cit.* Whittlesey, now a geographer, was originally trained in political science.

[126] The difficulties are illustrated in my studies of Upper Silesia, where an understanding of the political geography required a study of materials inadequately, or not at all, prepared by workers in the proper fields, on such matters as recent history, the results of the plebiscite, or the status of the "Wasser-polnish" dialect.

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"For individual studies, the sharp delimiting of sciences is without any importance, and particularly because a real science of states is still lacking, Geography as well as history, has perhaps gone occasionally farther than is consistent with the methodical limitation."[127] But Penck's suggestion that the careful scientist should always keep conscious of having crossed the boundary[128] (and therefore presumably would return as soon as possible to his own fields) is all too often neglected.[129]

Beyond the Border of Science. If the tendency to follow all the aspects of a problem leads the geographer into fields unfamiliar to him, much more serious is the tendency to go beyond the study of things as they are and render judgments as to what they should be. When dealing with some problem in which his own country is concerned, the student will strive to demonstrate that things should be made as he, a loyal citizen, would like them to be.

In particular, the greatest liberties with scientific procedure have been taken in considering the "harmonic" or "disharmonic" character of state areas. Because Hungary, deprived of its former surrounding territories, can be shown to have a disharmonic (or non-organic) form, the student who is also a citizen of one of the "revisionist" states concludes that *therefore* these peripheral areas should be reunited to Hungary. But this must logically suggest that Belgium must be given more agricultural land, whether from France or Germany, that the Netherlands must be extended into Rhineland, or vice versa, and so on until the whole map of the world would have to be redrawn, only to find that few, if any, states would even then be really "harmonic." (What could be done, theoretically, with the various parts of Canada will be clear to most American students). The proper function of the political geographer is to analyze and appraise the situation; whether a change should therefore be sought is a matter for politics—statesmen, if you will—to decide. (Actually, of course, it is decided by force, i.e., by a resultant of many forces).

[127] Hettner, *op. cit.*, p. 146.

[128] Quoted in H. Lautensach, *Geopolitik*, p. 6.

[129] Since this criticism is directed particularly, though by no means solely, at the followers of Geopolitik, it is only fair to note, among other exceptions in which the principal interest of geography is kept constantly before the reader, Albrecht Haushofer, *Pass-staaten in den Alpen* (Berlin, 1928). Perhaps with this idea in mind, the author, who is the son of the leader of the Geopolitik group and himself a regular correspondent in its *Zeitschrift*, classifies his book in political geography rather than in Geopolitik.

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Is it necessary to point out that students in every branch of science tend to follow this tangent out of science, even where their expert knowledge does not equip them to judge the questions at issue? Engineers, however limited in economics, do not hesitate to tell us that a particular waterway *should* be constructed. Scientists among economists wish to distinguish themselves from those of their colleagues who pronounce, for example, on a tariff bill. That question, they say, depends on a host of non-economic questions of public policy, such as population, standards of living for different classes, questions of war and peace, etc. They believe the economist, as scientist, should only describe what would be the economic effects of any particular tariff policy.

A closer comparison is found among ethnologists and anthropologists. German and Polish authorities in these fields have been bombarding each other for decades with research essays claiming to prove that the "original" inhabitants of Silesia or Pomorze (Corridor) were Germanic or Slavic, respectively.

As with those fields, the application of political geography to the territorial interests of certain states is inevitably opposed to the interests of other states. There is the peculiarity of this field which makes international coöperation, elsewhere a hall-mark of science, well-nigh impossible. Excepting for internal problems, such as provincial reorganization (of practical significance in recent years in Germany), or visionary construction of federated states, changes in the political map of the world are possible only by taking from Peter to give to Paul.

This does not deny the right, or even perhaps obligation, of the scientist to become either an administrator or a propagandist for his country, but when he does so he ceases, for the time being at least, to pursue science. From the point of view of science, this distinction is essential. In spite of the nationalistic character of much of the work in Geopolitik, the Germans in general must be credited with having maintained to a greater extent than other students the distinction between pure and applied science.[130]

[130] Albrecht Haushofer states the danger well in the preface of his *Pass-staaten in den Alpen*. Maull's *Politische Geographie* maintains objectivity more nearly completely than any other major treatise in the field. A fine example of conscious separation of science and its political application is given by Sölch in the study frequently referred to. He presents first a rigorously scientific study of boundary theory, 49 pages, followed by two pages of application to the Brenner territory, in which he, as Austrian-born and a professor at Innsbruck (since moved to Heidelberg), was nationally interested.

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The Place of Geopolitik. Reference has been made repeatedly to the "school" of Geopolitik in Germany, of which Karl Haushofer is the recognized leader. In terms of production and present influence, this is the most important development in political geography in recent times, if not of any time. In Germany, where by all odds the greatest development of the subject of political geography has taken place, almost the entire field has gone over into Geopolitik. Furthermore, this movement has received very notable popular support. In spite of a very skeptical attitude on the part of both orthodox geographers and political scientists, it bids fair to make important triumphs in the German educational system, universities and lower schools alike.

Is Geopolitik a branch of geography and, if so, what relation does it bear to political geography? Or is it a branch of political science, or, as most of its followers claim, an independent science? In any case, its relation to geography must be considered here.[131]

We have already seen that some of the followers of Geopolitik, like Lautensach, see in the study of processes of state changes, the dynamics of the state, a fundamental element in Geopolitik that distinguishes it from political geography. But to Maull this is merely to take a section of knowledge previously worked by political geographers and call it a new field.[132] Adolf Grabowsky, the political scientist who has most concerned himself with Geopolitik,[133] makes the same distinction as Lautensach, but claims that the dynamics of state areas is a proper branch of political science. If that were the only doubtful point, the question would be of minor importance.

On the other hand, Maull, using Haushofer's definition and out-

[131] Haushofer recommends, as an excellent brief description of the field with full bibliography, R. Hennig and Körholz, *Einführing in die Geopolitik* (Leipzig, 1933). Hennig's earlier and fuller treatise, *Geopolitik, die Lehre vom Staat als Labewesen* (Leipzig, Berlin, 1928, 1931), accepted with some reservations by Haushofer, has been sharply criticized from both sides of the field; by Krebs in *Geog. Z.*, 1929, p. 118, and by Grabowsky in *Z. f. Politik*, 1931, p. 443. For the cartographic methods developed in Geopolitik, see Schmidt-Haack, *Geopolitischer Typenatlas. Zur Einführing in die Grundbegriffe der Geopolitik* (Gotha, 1929).

[132] Maull, "Politische Geographie und Geopolitik," *Geog. Anz.*, 1926, pp. 245–253. In a reply in the following pages, Haushofer disagrees only on the basis of practical educational policy.

[133] In various notes and reviews in the *Zeitschrift für Politik*, of which he was co-founder and co-editor until his recent removal—notably in a lengthy critique "Das Problem der Geopolitik," *Z. f. Politik*, 1933, pp. 765–802; and in the series of Weltpolitische Bücherei of which he was editor, including his own volume on *Staat und Raum.*

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line of problems, concluded that Geopolitik was simply "applied political geography," blessed with a highly popular and suitable catch-title. In a sense, this is the most accurate description of the studies published by the school. But is not the question important, where and how applied? Engineering is, in a sense, applied mathematics, but does it fall within the field of mathematics? If, as he says, "Geopolitik uses the methods of political geography *in other areas of science* (italics mine): current history,[134] history in general, political science, etc.,"[135] then surely it has left its own domain and become a part of whatever area it is working in.

In the application of any science to practical life, certain assumptions, whether present before, or introduced in the application itself, are of determining importance. In Geopolitik, these are a part of the student's *Weltanschauung*, in particular, assumptions, according to that point of view, of what "ought to be." Underlying many of the illuminating studies of this school, the reader discovers the assumption that the facts of natural and social science predestine a certain arrangement of the territories of states which evil or blundering men have interfered with. This, of course, is neither geography nor political science, but is at best political philosophy, at worst national politics. Whether this be interpreted as a partial return to the "geographic materialism" of the middle nineteenth century,[136] or to certain teleological principles of the earth surfaces to state areas, we have in either case another throwback to "environmentalism," in a form which permits the exploitation of the purely nationalistic interests of the student.[137]

[134] Maull referred here no doubt to the "geopolitical reporting" of world news in the *Z. f. Geopolitik*. These are somewhat similar to the interpretations of news by various historians and political scientists in *Current History Magazine*, but unfortunately are written by only three writers, each of whom must interpret monthly the events in one third of the world. Hence Maull's reports of "the American world" (in which he is "at home" in Brazil) are not to be taken as a measure of that scholar's abilities. He has since given up this work.

[135] Maull, *loc. cit.* Writing a year or so earlier, Maull classified Geopolitik along with *Ethno-Wirtschafts-*, *Sozio-* and *Herrschaftspolitik* as subjects to be cultivated by *Staatswissenschaft* (political science?). But for the development of the science of the state, geography is an indispensable basis. *Politische Geographie*, pp. 71–78.

[136] From the criticism of the communist writer K. B. Wittfogel, "Geopolitik, geographischer Materialismus und Marxismus," *Unter dem Banner des Marxismus*, 1929, Nos. 1, 4, and 5, quoted in *Z. f. Geopolitik*, 1932, pp. 581–591.

[137] Sauer, "Recent Developments in Cultural Geography," *op. cit.*, p. 208, 210. (It is however misleading to include Maull's *Politische Geographie* as a product of this school. Although Maull is, or was for a time, a member of the group, there is clearly little or nothing in his book that is taken from Geopolitik.)

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If Maull's description, "applied political geography," correctly depicts the original intent of the founders of Geopolitik, the movement has become much more than that. It is difficult to state at any time just what is included by this group in their subject, since they do not seem to adhere to any fixed concepts. Maull, as well as Grabowsky, has criticized the Geopolitikers for neglecting to consider carefully the nature of their problem, while piling up a great quantity of material, much of it deficient in quality because of the lack of clear concepts of scope and methods.[138] We have already noted the somewhat broad definition which Haushofer and his followers have given to their field.[139] More definite is their simple statement that Geopolitik cultivates the border area of geography, history, and political science. But in that case what need is there for it? Surely political geography reaches fully to the borders of political science, if it does not in practice overlap them. If political science and history have failed to meet, or to reach the corner where they meet political geography, that would seem to be a problem for workers in those fields, hardly for geographers.

After various critics pointed out that Haushofer, in limiting his study to the relation of the state to its area (*Raum*), had left out other factors affecting the state,[140] the field of Geopolitik was widened to include the ethnic aspect as well as the spacial aspect.[141] Obviously there is little reason to stop here, and Geopolitik now appears to assume full charge of the study of the state: "*Geopolitik als Nationale Staatswissenschaft.*"[142] Haushofer himself shows

[138] Maull, "Politische Geographie und Geopolitik," *op. cit.*, pp. 245–246; Grabowsky, "Das Problem der Geopolitik," *op. cit.*, p. 781.

[139] "Die Wissenschaft von der politischen Lebensform im (natürlichen) Lebensraum, in ihrer Erdgebundenheit und Bedingtheit durch geschichtliche Bewegung." Originally stated in an early number of their *Zeitschrift*, this is repeated, with the addition of the word in parentheses, in K. Haushofer, "Politische Erdkunde und Geopolitik," in *Freie Wege Vergleichender Erdkunde* (Festgabe E. v. Drygalski, Munich, 1925), pp. 87, 90; in Haushofer, Obst, *et al.*, *Bausteine zur Geopolitik* (Berlin, 1928); and in H. Lautensach, ed., *Geopolitik* (Frankfort, 1929), p. 5.

[140] As in his introduction to the German translation of Fairgrieve's work, *op. cit.* Vogel accused the group in general of having "somewhat neglected the (four) other aspects of Kjellén's system in favor of his Geopolitik, which has developed into a kind of popular catchword." "Kjellén, Rudolf," in *Encyc. Soc. Sci.*

[141] Max Baumann, "Raum und Staat" (in reply to Grabowsky's critique), *Z. f. Geopolitik*, 1933, pp. 554–559. Likewise the editor's note, which includes both applied political geography and "*Biopolitik*," in Geopolitik, *Z. f. Geopolitik*, 1933, p. 305.

[142] As shown in various recent articles in *Z. f. Geopolitik*, 1933, pp. 301–304, 305, 501–505, 555–559, 559–564.

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clearly the dominating national political interest in his comments on the criticisms of certain French geographers.[143]

If at this point the geographer feels justified in turning over the question of Geopolitik to the students of political science, he cannot do so without first emphasizing the real contribution which its followers have undoubtedly made to the study of the state. From the point of view of a geographer, it has been necessary to examine the work of this school critically (for one who studied a Polish-German border problem, it was especially necessary). But it must be recognized that if the geographers who developed Geopolitik have penetrated far into political science, they have gone into areas where political scientists themselves, excepting Kjellén, have shown little interest, and they have contributed new ideas and methods that may well prove as fertilizing as, say, Miss Semple's studies in the field of American history.[144]

If this offers an opportunity to the political scientist, it likewise constitutes a challenge. If he cannot accept Haushofer's conclusion that geography should represent the "superintendent of construction," rather than "merely the recorder," in the field of *Staatenkunde*, can he answer the charge that his study of the states of the world is often built in the air, or on paper, rather than on the actual earth of the particular states?[145] If one feels that many of the Haushofer school fail in practice because they attempt to study *Staatenkunde* without a thorough training in political science, is Haushofer not on the other hand correct in insisting that "this field cannot be properly developed without a thorough grounding in *Erdkunde* (geography)"?[146]

What is suggested, then, is that there is, in theory at least, a part of the field of political science which workers in that general field, with but few exceptions, have overlooked, with unfortunate

[143] *Z. f. Geopolitik*, 1932, pp. 591–594. His colleagues "treiben nur als echte Deutsche!" Among the criticisms, which are quoted in part in the following pages of his journal, are: Demangeon, "Geographie politique," *Annales de Geog.*, 1932, pp. 22–31; ter Veen, "De Geopolitik als sociale wetenschap," *de Gids* (Amsterdam), 1931, pp. 348–360.

[144] Lautensach almost suggests this: "When there is a well-developed science of the state (*Staatslehre*), that may perhaps regard Geopolitik with some right as its domain." *Op. cit.*, p. 5.

[145] Haushofer, *op. cit.*, pp. 89 ff. The charge is directed particularly at German scholars and statesmen whose failure to understand the geographic foundations of their own and other states was, he thinks, a great factor in his country's downfall.

[146] *Loc. cit.*

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effects on their studies of states. Such a part-discipline, whether called Geopolitik or not, must, as Hettner says, "have a strong geographic woof," though the designs be taken from history and political science. "Its relation to political geography is the same as that of geographic botany (plant ecology) to plant geography, or geographic zoölogy to animal geography."[147]

If this subject be, in theory, a part of the field of political science, there remains the question raised by Maull's challenge, previously referred to, whether in fact the political scientist will not, by neglect, surrender it, if he has not already done so, to those who, invading it from the geographical side, have been so assiduously surveying and cultivating it. Botany and zoölogy have long recognized and appropriated the geographical aspects of their fields, and many historians have followed where Hereford George, Semple, and other geographers first led the way. Of political scientists since Kjellén, only Grabowsky appears to have seen the opportunity and challenge presented to them. He recognizes Geopolitik at least as a *method* of study, and has repeatedly expressed his appreciation of the valuable work that Haushofer and his school have done in stimulating interest in, and developing the technique of, this tool for the study of actual states.[148] Nor does he fail to recognize the importance of political geography as an independent field, training in which is essential for the political scientist who is to use the method of Geopolitik in the study of states.[149]

In fact, however, the political geographers cannot afford to turn away completely from the school of Geopolitik. The members of that group, in studies published independently and in the earlier volumes of their *Zeitschrift*, have enormously enriched the material of political geography.[150] To the predominantly theoretical litera-

[147] Hettner, *op. cit.*, p. 145. This distinction between geography and the geographical aspects of the biological sciences is clarified on pp. 141–142.

[148] In his introduction to Passarge's article on political geography in *Z. f. Politik*, Oct., 1931, p. 444; and in "Das Problem der Geopolitik," *op. cit.*, p. 779. In his *Staat und Raum: Grundlagen räumlichen Denkens in der Weltpolitik*, he depends very largely on the work of the Haushofer school. Note also his qualified agreement with Hettner's viewpoint, p. 9.

[149] "Das Problem der Geopolitik," *op. cit.*, p. 714; *Raum und Staat*, pp. 5–11, 28–30, etc.

[150] Note especially the volume edited by Karl Haushofer, with chapters by himself, Lautensach, Maull, W. Geisler and others (including, significantly, Adolf Grabowsky): *Jenseits der Grossmächte; Ergänzungsband zur Neubearbeitung der Grossmächte Rudolf Kjelléns* (Leipzig-Berlin, 1932).

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ture of that field they have added a great pile of specific studies of many states and areas. Further, if the subject is to take over and develop in German universities the whole field of the study of states, that will include, as one of several branches, the original parent-field of political geography. Thus Germany, which already has many more political geographers than all the rest of the world together, should continue to contribute importantly in that field, (depending, of course, on what effect the changed situation in Germany may have on the development of social science in general).[151]

Conclusion. Geographers have always recognized a political aspect of their field, particularly the political structure of regions they studied. As a special branch of their field, political geography was definitely founded by Ratzel near the end of the last century and developed, on those foundations, by geographers in Germany and France. The direction pursued by the political scientist Kjellén attracted little attention in his field, but was taken up with great zeal by geographers. The recent developments in political geography have been almost entirely the work of geographers, who have not merely surveyed the field but produced a great number of detailed regional studies. If the nationalistic tendentiousness of many of these justifies the epithet of "wayward child" for this branch of geography, it remains nevertheless within the family, and it is for geographers particularly to consider its reform.

As a branch of geography defined in terms of "relationships," political geography is provided with a field ample enough for study, but one which inevitably penetrates far into neighboring fields and appears to many to lack any proper center of interest or material subject of study. The other leading philosophy of geography, that of chorography, as stated by Hettner, Passarge, and others, includes a more restricted and more clearly focussed field for the political geographer, namely, the study of the areas of states, in both their external and internal characteristics, including the description, interpretation, and appraisal of areal facts of the state. The political geographers whose work is based on this latter

[151] "It is not for science to hunt around after an objectivity foreign to life. Science, especially political science, should be an expression of the people and the time." Baumann, in *Z. f. Geopolitik*, 1933, p. 556. See also current numbers of the *Zeitschrift für Politik*, under its new leadership, particularly the revised program for the Hochschule für Politik, *Z. f. Politik*, 1933.

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concept, though they differ in drawing the outer boundaries of their subject, agree generally in regard to the basic topics to be studied.

Finally it may be added, that, in view of the great number of theoretical treatises in this field—notably those of Ratzel, Vallaux, Supan, Vogel and Maull—the great need in the immediate future is for detailed studies of particular regions or states. On the other hand, the criticisms of many such studies which have been made indicate that in undertaking such problems students will do well to clarify their concepts of the nature and purpose of political geography.

In reference to the neighboring science, it should be stated explicitly that there is no intention of fencing off the field of political geography from that of political science, and no wish to establish rights against presumed trespassers. No two fields of science can meet without some overlapping. If we may use the analogy of the sea-coast, it may be explored both by the landsman and the sailor, but the fundamental interest of the two is quite different; the landsman, let us say, is interested in the effects of the sea on his fields, in securing mussels from the tidal marshes, in casting his fish-line into the breakers; if he wishes to catch the fish of deeper waters, he must go in a boat and learn the ways of a sailor. It is not necessary to determine any fast line between the two; it is necessary only to recognize where one is at home. In coves and harbors, where deep water comes close to land, the political scientist and the geographer will meet, we may hope, on a friendly coöperative basis.

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AN ANALYSIS OF THE 1932 PRESIDENTIAL VOTE IN CHICAGO

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In many ways, the city of Chicago is typical of the United States as a whole in the twentieth century. It is a cross-section of the mixture of races, religions, sects, linguistic groups, and economic classes that go to make up modern America. In the past two decades, the political behavior of the citizens of Chicago in national elections has been similar to that of the entire American electorate. Except for the election of 1916, when Hughes carried the city by a narrow margin, the presidential candidate who carried Chicago also carried the electoral college.

At irregular intervals, there have occurred in American party history certain crucial presidential elections which appear to have set the party alignments for several decades. The election of 1896 was such an election, since it determined the supremacy of the Republican party for a period of a quarter of a century, interrupted only by the Wilson Administration, which came to power because of a split in the Republican ranks. A new era in American politics was definitely started by the election of 1932 which ended the Republican dominance. An intensive study of the behavior of the voters in Chicago during this political upheaval will throw some light upon the motivation of the voters in the entire United States.

A number of methods might have been employed to study the action of the voters in Chicago on November 8, 1932. We might have employed the interview method on an extensive scale with individual voters in order to ascertain their views before the election or to get some of their rationalizations after the election.[1] We might have tried to get some intensive case studies of individual voters in order to see what place the particular act of voting had in their total life pattern.[2] Because of reasons of economy and personal preference, we decided instead to employ a combination of the descriptive, statistical, and expert opinion methods. The de-

[1] The interview method which was employed in the *Non-Voting* (Chicago, 1924) and my *Getting Out the Vote* (Chicago, 1927) studies was very expensive. It is one thing to ask a citizen why he did not vote and quite another thing to ask a voter why he voted as he did.

[2] One of the authors has been collecting political biographies.

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scriptive materials collected included newspaper articles, fugitive campaign materials, reports of political meetings, and reports of first-hand observations of events on election day. It was not necessary to employ any field workers to collect the statistical data, since these were already compiled in convenient form in records of the election commissioners' office and in the census tract returns for the city of Chicago.[3] After the descriptive and quantitative data had been thoroughly analyzed, interviews with ward committeemen and aldermen were arranged. These experts in party management gave freely of their time when we presented to them the problems which arose out of our preliminary analyses.

On the basis of the results obtained in a number of other quantitative studies of voting behavior,[4] the variables listed in Table I were assumed to have some relationship to the Roosevelt vote in 1932. The next step in the analysis was to divide the city into units which would be numerous enough to justify the use of the correlation techniques and which would not be so minute as to cut across the precinct or census tract lines. Since we were anxious to preserve both political and community boundaries, we finally decided to take the seventy-five local communities as defined by the census and see how they were cut by the 1921 ward lines.[5] This method produced 166 subdivisions for the entire city. After plotting several scatter diagrams for different combinations of our variables, we concluded that the behavior of the voters in the areas inhabited largely by Negroes was so atypical that it deserved separate consideration. Consequently, the areas in which the Negro population was 20 per cent or over were excluded from the general analysis. The main conclusions in this study apply to the variations discovered in the 147 subdivisions of the city of Chicago that were inhabited largely by whites.

The variables were selected with definite hypotheses in mind. It was assumed that the per cent of the total vote cast for Alfred E.

[3] Election returns were obtained from the *Chicago Daily News Almanac and Yearbook*, the *Public Service Leader*, and the records of the Board of Election Commissioners of Chicago; census data, from E. W. Burgess and C. Newcomb (eds.), *Census Data of the City of Chicago, 1930* (Chicago, 1933). The authors are indebted to Miss Margaret J. Schmidt for aid in the computations.

[4] W. F. Ogburn and N. S. Talbot, "A Measurement of the Factors in the Presidential Election of 1928," *Social Forces*, Vol. 8, pp. 175–183 (December, 1929); C. H. Wooddy, *The Case of Frank L. Smith* (Chicago, 1930), Appendix, pp. 364–382.

[5] An attempt was made also to include the 1931 ward lines, but it was discovered that these lines cut across many of the census communities.

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Smith in the presidential election of 1928 and the per cent of the total vote cast for J. Hamilton Lewis in the senatorial election of 1930 would together constitute a measure of the traditional Democratic vote in Chicago in elections at which national issues were at stake. The vote for Lewis in 1930 assumed such landslide proportions that the objection might be raised that it was not typical. It is true that Lewis led the Democratic ticket in 1930, but there appears to be a more or less constant relationship between his vote and the vote for the other Democratic candidates.[6] Consequently, the variations in the Lewis vote may be taken as an indication of where the Democrats were strong and where they were weak prior to the presidential election of 1932.

The woman vote was measured by the per cent that the women registered voters were of the total number of registered voters in October, 1930. At one time, the votes of men and women were kept separate in Chicago, but this has not been done since 1920.[7] The registration figures, when broken down into the 147 units, give an indirect measure of the influence of sex upon voting. The 1930, rather than the 1932, registration figures were chosen because 1930 was a census year. There was practically no difference in the sex ratios for the two registrations.

Since Illinois has a party column type of ballot, an elector may vote for all of the candidates of a given party by putting a cross mark in the appropriate party circle. As a measure of the strength of the party organizations, we chose the per cent that the ballots marked straight were of the total number of ballots cast in the presidential election of 1932. In each of the 147 units, we combined the straight Republican and the straight Democratic ballots and expressed them as a ratio of the total vote cast. In the aggregate of these units, the number of straight Democratic votes exceeded the number of straight Republican votes cast.[8] This means that this variable is a better index of the strength of the Democratic political machine than it is of the strength of the Republican.

While Illinois does not have the optional referendum, the state

[6] The coëfficient of correlation between the Smith vote and the Lewis vote, $r_{ab} = .78$.

[7] For an interesting analysis of the 1915 mayoralty vote, using the separate figures, see T. Kelley, *Statistical Method* (New York, 1924), p. 183.

[8] In the 1932 election, the total number of votes cast was 1,423,074; the total number of straight votes was 831,596, of which 533,801 were Democratic and 297,795 were Republican.

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constitution provides that state bond issues shall be referred to a popular vote.[9] In order to get an index of attitude of the Chicago electorate toward public expenditures, we took the per cent "yes" on the bond issue voted upon November 4, 1930, under the following title: "Shall an act of the General Assembly authorizing the issuance of $14,000,000 in bonds for a state-wide system of conservation and forest preserves and public recreation grounds go into full force and effect?" This measure was opposed by the Chicago Bureau of Public Efficiency, the *Chicago Tribune*, and the *Chicago Daily News*.[10] It was assumed that the most tax-conscious elements would vote "no."

The attitude of the Chicago voters on the liquor issue was ascertained by the per cent voting "yes" on the following public policy measure which was submitted November 4, 1930: "Shall the Eighteenth Amendment to the Constitution of the United States which among other things prohibits the manufacture, sale, or transportation of intoxicating liquors for beverage purposes within the United States be repealed?" The vote on this measure was purely directory and had no legal effect on the status of prohibition in Illinois, but it clearly indicated where the wet and dry areas were in the city. The measure was opposed by the *Chicago Daily News*, which had been traditionally dry, and favored by the *Chicago Tribune* and the two Hearst papers, the *Herald and Examiner* and the *American*.[11]

As a measure of the interest shown in voting in the various areas of the city, we took the per cent that the registered voters were in 1930 of the total number of adult citizens. The revised October registration figures were employed, and from the census tract tables of population 21 years of age and over we took the aggregate of the following: native whites of native white parentage, native whites of foreign or mixed parentage, Negroes, and naturalized citizens.[12] From Table I, it appears that there were more registered voters in some areas than there were adult citizens. There was a lapse of nine months between the census-taking date and the registration date. However, we are of the opinion that this alone does not account for phenomenally high registrations in some areas. Other evidence indicates that there is considerable padding of registration lists in some parts of Chicago.[13] The variable under

[9] Art. IV, paragraph 18.
[10] Issues of November 3, 1930.
[11] Issues of November 3, 1930.
[12] *Op. cit.*, pp. 299–312 and 313–326.
[13] Women's Civic Council, *A Partial Record of the Conduct of Elections in Chicago and Cook County from December 1922 to June 1934* (Chicago, 1934).

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consideration therefore represents the element of fraudulent registration as well as interest in voting.

TABLE I

VARIABLES USED IN STUDY OF 1932 PRESIDENTIAL VOTE IN CHICAGO
($N = 147$)

Letter Symbol	*Variable*	*Date*	*Per cent for City*	*Mean*	*Lowest Item*	*Highest Item*	*Standard Deviation*
a	Smith Vote	1928	49.2	51.7	23.5	88.1	15.0
b	Lewis Vote	1930	72.1	76.0	42.9	91.5	8.6
c	Roosevelt Vote	1932	59.2	63.4	29.6	90.0	13.1
d	Women Voters	1930	41.8	40.4	8.5	52.5	6.8
e	Party Vote	1932	58.4	58.4	28.1	87.3	12.0
f	Bond Issue	1930	58.0	56.6	43.8	85.6	7.7
g	Wet Vote	1930	78.6	78.4	59.7	93.3	5.7
h	Voting Interest	1930	66.3	66.8	34.2	104.1	11.0
i	Foreign Birth	1930	26.9	31.2	13.2	67.3	10.9
j	Catholic Origins	1930	32.4	34.1	4.2	84.6	21.0
k	Median Rental	1930	$49.56	$47.5	$15.22	$129.4	18.5
l	Home Ownership	1930	31.1	35.8	.7	82.5	19.1
m	Unemployment	1931	22.7	28.3	3.7	69.4	12.5

The variables described so far have all concerned the political behavior of citizens in Chicago. We were interested also in relating these variables to social and economic conditions. From the census data, the following measures were selected: foreign birth as shown by the per cent that the adult naturalized citizens were of the total number of adult citizens, Catholic origins as shown by the per cent of the total population composed of those who were born or whose parents were born in Catholic countries,[14] economic status as shown by median rental, home ownership as shown by the per cent that the owned homes were of the total number of homes,[15] and unemployment as shown by the per cent unemployed in 1931 of the gainful workers 10 years of age and over.[16] These measures were not perfect; nor did they include all the aspects of the situation which we would have liked to cover. However, they represent the best de-

[14] Per cent native white of foreign or mixed parentage and foreign-born white from countries of origin which are held to be Catholic (Irish Free State, Belgium, France, Poland, Czechoslovakia, Austria, Hungary, Yugoslavia, Lithuania, Italy, and French Canada) of the total population. *Op. cit.*, pp. 191–233, 245–298.

[15] *Ibid.*, pp. 567–594.

[16] *Ibid.*, pp. 477–537, and the 1931 figures secured through the courtesy of Joseph F. Veseley.

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vices we could work out from the available sources.[17] The index to religious affiliations is highly unsatisfactory, but the Census of Religious Bodies does not give figures for any subdivisions of the city. No unemployment census has been taken since 1931.

The next step in the analysis of the 1932 election returns was to find the relationship of the Roosevelt vote to the 12 remaining variables. This was done by calculating product moment coëfficients of correlation for each of the 12 combinations. Column one or row one of Table II gives these values. Placing them in the order of their magnitude without regard to signs, the coëfficients involving the Roosevelt vote are as follows: Smith vote ($r_{ca} = .94$), Lewis vote ($r_{cb} = .84$), party voting ($r_{ce} = .84$), Catholic origins ($r_{cj} = .78$), unemployment ($r_{cm} = .76$), foreign birth ($r_{ci} = .73$), median rental ($r_{ck} = -.68$), woman vote ($r_{cd} = .66$), wet vote ($r_{cg} = .62$), bond issue ($r_{cf} = -.40$), interest in voting ($r = _{ch}.27$), and home ownership ($r_{cl} = -.05$). The high value for the first of these coëfficients means that the variations in the Roosevelt vote closely paralleled the variations in the Smith vote. While Roosevelt, on the average, received nearly 12 per cent more of the total vote than did Smith, Roosevelt's highest votes were obtained mainly in the same areas where Smith obtained his highest votes. Similarly, Roosevelt was generally least popular in the areas where Smith had been least popular. Another method of interpreting this coëfficient is to say that roughly 88 per cent of the variations of the Roosevelt vote, or r^2, is directly associated with variations of the Smith vote. The association of the Roosevelt vote with the next five variables is close, but not as close as in the case of the Smith vote. The negative sign for the correlation between the Roosevelt vote and median rental means that the relationship is inverse. In other words, the Roosevelt vote was generally high in those areas where the rents were low and vice versa. The relationship between the Roosevelt vote and the woman vote may be interpreted in the same fashion. Much smaller in size are the coëfficients involving the covariation of the Roosevelt vote and the last three measures, namely, bond issue, interest in voting, and home ownership. We can say that the Roosevelt vote has no apparent relationship to the presence or absence of home-owners, and that it has a loose positive association with the affirmative votes on the bond issue and an even looser association with interest in voting.

[17] In a later study, data from the 1934 census will be employed.

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It frequently happens that an examination of the scatter diagram for paired observations of the corresponding values of two variables yields more information than the coëfficient of correlation. Such diagrams were prepared for the 12 combinations under consideration, and the exceptional cases were listed for later investigation by the interview method. It was found that the areas where the Roosevelt vote was about the same as the Smith vote contained a large Catholic population which was already strongly Democratic in 1928. A few of these areas also contained a strong Republican machine which was more active in 1932 for the Republican candidate for governor than it was in 1928.[18] The areas in which the shift to Roosevelt was most marked were those in which the Republican organization depended largely upon local spoils. After the Democratic victory of 1930, there were wholesale desertions of the Republican ship in these districts.

An examination of the scatter diagrams also threw some light on the question of why certain variables were not more closely related to the Roosevelt vote. While the association of the Roosevelt vote with measure of Catholic origins was close, there were certain non-Catholic areas which voted overwhelmingly for Roosevelt. A sampling of some of these areas showed that many of them had a large Jewish population. The Democratic candidate for governor was a Jew and undoubtedly helped all his running mates in areas where the people of his group were numerous.[19] In a few of the areas where the ratio of persons of Catholic origins was high, the Roosevelt vote was not quite as high as one might expect. It was found that one of the Republican factions was particularly strong in these areas. The Republican candidate for governor was a member of this faction, and he ran ahead of his ticket in these districts.

A priori, one might have expected to find a closer correlation between the Roosevelt vote and the measures of economic status. The coëfficient of −.68 between the Roosevelt vote and median rental accounts for about 46 per cent of the variations (r^2). What were some of the influences which were reducing the closeness of this association? The scatter diagram, a map of the Roosevelt vote, and the interviews with ward committeemen indicated that in the out-

[18] The William Hale Thompson faction of the Republican party nominated its candidate for governor (Len Small) in 1932, but not in 1928.

[19] This was especially true in the 24th ward, which roughly coincides with census community 30. It was true also in the 5th and 46th wards on the West Side.

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lying residential areas of the city there were voters who were paying modest rentals who still adhered to the Republican party. As one ward committeeman put it, "This ward is strongly conservative and Republican. It is made up of Yankee, Protestant, dry home-owners. Regardless of the depression, they supported Hoover." Since there were a large number of home-owners in these areas, the median rental figures were somewhat misleading. The most prosperous residents of these areas did not pay rent, and those who paid did not live in the most attractive dwelling places. On the other hand, there were parts of the city where the rentals were high and the Roosevelt vote was also higher than might have been expected. For the most part, these districts were found in those hotel areas where the Democrats were fairly well organized.

In his study of the 1928 presidential election in certain northern counties of the United States, Ogburn found that the prohibition issue was of primary importance. In the present study, the zero order coëfficients place the wet vote below many other measures. While most of the wets in Chicago were Democrats, it was found that in a number of bright-light areas such as the North Side, Uptown, and Lake View communities there were clusters of wet Republicans. It is surprising that there were not more of these clusters, considering the fact that the *Chicago Tribune* had waged a vigorous campaign to get the Republican party to adopt a wet stand. There were also some relatively dry areas which showed a higher Democratic vote in 1932 than one might expect. Included in this group were the areas where there were persons owning their own homes, or paying modest rentals, who were hit particularly hard by the economic depression. Before 1930, most of the voters in these districts had voted dry and for the Republican party, but in 1932 they shifted over to the Democratic party without changing their stand on the prohibition issue.

It is clear from the above discussion that the Roosevelt vote was closely related to a number of variables. How can a more complete picture of the total situation be presented? One method is to analyze the ratios in small and more or less homogeneous communities. In a Polish community where Roosevelt's vote was 20 per cent above his city average, there were relatively more unemployed, more persons of Catholic origins, more foreign-born, and more straight-ticket voters than in the city at large.[20] In a section where

[20] Census community 24.

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the Roosevelt vote was less than his city average, the opposite conditions were found, i.e., relatively speaking, unemployment was less, rents were higher, the ratio of women registered was higher, and there was a greater proportion of native white Protestants.[21] The following general view of the situation was given by a Republican ward committeeman: "The vote was due to Roosevelt's personal popularity; to a strong Democratic organization with plenty of patronage; a grudge vote against Hoover; and to a demand for a new deal and some Messiah to lead the way out of the depression. Unemployment was by far the most important factor in the 1932 election. The wet issue also played a rôle. The Democratic party was only the instrument for the people to express their grudge vote against the previous Administration, not the cause of victory as such."[22]

The close association of the Roosevelt vote with so many variables raises a number of questions. Are not some of these variables measuring the same thing? What are the intercorrelations of these measures? Do the coëfficients tend to group themselves in clusters? What is the net effect of changes in one variable upon the Roosevelt vote when the influence of other variables is kept constant? The statistical device of partial correlation is useful in answering some of these questions. In order to solve the equations involved in this technique, it is necessary to have all of the intercorrelations. These are presented in Table II.

Since the calculations involved in partial correlation become increasingly complicated as new variables are added, it was decided to select five independent variables for this step in the analysis. Which variables should be eliminated? It was decided to eliminate those whose relationship to the Roosevelt vote was low. In this group came the bond issue, interest in voting, and home-ownership. It was decided also to eliminate one of every set of variables that appeared to be measuring the same thing. Since the resemblance between the Smith vote and the Lewis vote was close, it was decided to drop the Lewis vote. The relationships of the two variables, foreign birth and Catholic origins, with all of the other variables tended to be very similar; so foreign birth was not included in the calculations of the partial coëfficients. The same observation applies to women, median rental, and unemployment. While un-

[21] Census communities 1, 39, 41, 75.

[22] In a near West Side ward.

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TABLE II

INTERCORRELATIONS OF THIRTEEN VARIABLES RELATED TO VOTING BEHAVIOR IN CHICAGO—1928–1932
($N = 147$)

Letter Symbol	Variable	Roosevelt	Smith	Lewis	Women	Party Voting	Bond Issue	Wet Vote	Voting Interest	Foreign Birth	Catholic Origins	Median Rental	Home Ownership	Unemployment
		c	*a*	*b*	*d*	*e*	*f*	*g*	*h*	*i*	*j*	*k*	*l*	*m*
c	Roosevelt		.94	.84	−.66	.84	.40	.62	.27	.73	.78	−.68	−.05	.76
a	Smith	.94		.78	−.57	.79	.46	.64	.35	.64	.78	−.62	−.15	.69
b	Lewis	.84	.78		−.55	.62	.17	.62	.21	.60	.57	−.53	.03	.57
d	Women	−.66	−.57	−.55		−.68	−.37	−.34	−.21	−.51	−.54	.58	−.07	−.68
e	Party Voting	.84	.79	.62	−.68		.45	.42	.48	.66	.75	−.76	.08	.81
f	Bond Issue	.40	.46	.17	−.37	.45		.50	.08	.14	.20	−.12	−.57	.25
g	Wet Vote	.62	.64	.62	−.34	.42	.50		.10	.38	.34	−.34	−.33	.36
h	Interest in Voting	.27	.35	.21	−.21	.48	.08	.10		.32	.32	−.43	.18	.32
i	Foreign Birth	.73	.64	.60	−.51	.66	.14	.38	.32		.72	−.66	.16	.70
j	Catholic Origins	.78	.78	.57	−.54	.75	.20	.34	.32	.72		−.74	.15	.78
k	Median Rental	−.68	−.62	−.53	.58	−.76	−.12	−.34	−.43	−.66	−.74		−.25	−.80
l	Home Ownership	−.05	−.15	.03	−.07	.08	−.57	−.33	.18	.16	.15	−.25		.25
m	Unemployment	.76	.69	.57	−.68	.81	.25	.36	.32	.70	.78	−.80	.25	

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employment had signs which were opposite to the other two variables, all three are measures of economic status. Of the three, unemployment was chosen because it is more closely related to the Roosevelt vote.[22a]

The fourth order coëfficients of partial correlation are presented in Table III. The first one of these ($r_{ca.jmge} = .673$) means that keeping religion, unemployment, the wet vote, and the party vote variables constant, the partial correlation between the Roosevelt vote and the Smith vote remains at .673. In other words, after making allowances for the other influences mentioned, the traditional Democratic vote still remains close to the Roosevelt vote in Chicago.

TABLE III

FOURTH ORDER PARTIAL COËFFICIENTS OF CORRELATION

Roosevelt and	*Religion, Unemployment, Wet Vote, Party Vote*	*Smith, Unemployment, Wet Vote, Party Vote*	*Smith, Religion, Wet Vote, Party Vote*	*Smith, Religion, Unemployment, Party Vote*	*Smith, Religion, Unemployment, Wet Vote*
Smith $r_{ca.jmge}$	.673				
Religion $r_{cj.amge}$		.069			
Unemployment $r_{cm.ajge}$			.175		
Wet Vote $r_{cg.ajme}$				.206	
Party Vote $r_{ce.ajmg}$					.322

The partials between the other variables and the Roosevelt vote are much lower. Although the zero order coëfficient between the Roosevelt vote and Catholic origins is fairly high, when the Smith vote, unemployment, the wet vote, and the party vote are kept constant, the partial becomes insignificant. This is largely because the Smith vote and Catholic origins are so closely related to each other. Another way of expressing this relationship would be to say that if areas could be found where the Smith vote, the unemploy-

[22a] In this connection, the ordinary regression equations for the Roosevelt vote as a function of these variables are of interest. $X_c = 20.92 + .8221\ X_a$, $X_c = 9.74 + .9184\ X_e$, $X_c = -49.40 + 1.439\ X_g$, $X_c = 46.74 + .4883\ X_j$, $X_c = 41.05 + .7904\ X_m$. The standard errors of estimate for each of these equations are: $S_{c.a} = 4.6$, $S_{c.e} = 8.1$, $S_{c.g} = 10.3$, $S_{c.j} = 8.2$, $S_{c.m} = 8.6$.

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ment ratio, the wet vote, and the party vote did not change, such variations as occurred in the ratio of persons of Catholic origins would show no marked association with the Roosevelt vote. To take an extreme illustration, imagine a group of areas where the Smith vote was very low, most of the men were employed in 1931, a relatively large proportion of the voters were dry, and comparatively few straight ballots were cast in 1932. In these areas, the ratios of persons of Catholic origins would be low, and such slight variations as took place in them would show no definite relationship to the Roosevelt vote.[22b]

Another surprising relationship revealed by the coëfficients of partial correlation is the fact that the unemployment variable is not close to the Roosevelt vote when the Smith vote, Catholic origins, the wet vote, and straight party voting are held constant. Certainly the average increase of 12 per cent in the Democratic vote over the entire city between 1928 and 1932 can be attributed largely to economic considerations. However, when we come to examine a map of the city we find that the greatest increases did not always occur in the areas where unemployment was greatest. In the areas where employment was still high, the voters were suffering various deprivations. Bank failures and the collapse of security values involved radical changes in the standard of living of many. The resultant tensions fomented a reaction against the Republican régime. Regardless of the social and economic characteristics of a given ward, every political expert interviewed was firmly of the belief that the most significant "cause" of the election turnover was the economic one.[23]

The net correlations of the Roosevelt vote with the wet vote and with party voting were not as close as might have been expected. According to one study, the net correlation of the Smith vote with the wet vote was high in 1928.[24] In Chicago, however, the relation of the Smith vote to the wet vote was so close that the

[22b] Many statisticians prefer to use the equation of net regression for problems like the present one. The equation is : $X_c = 2.69 + .5428\ X_a + .2242\ X_e + .2002\ X_g + .0253\ X_j + .1063\ X_m$. Its standard error of estimate is: $S_{c.aegjm} = 3.8747$. The parameters of this equation place the variables in the same order of importance in determining X_a as do the coëfficients of partial correlation.

[23] Economic influences were referred to as "depression psychology," "anti-Hoover" sentiment, a "craze" to throw out the "ins."

[24] Ogburn and Talbot, *op. cit.*

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partial between the Roosevelt vote and the wet vote was not high. The second highest of all the partials is that between the Roosevelt vote and party voting, keeping constant the Smith vote, Catholic origins, unemployment, and the wet vote. This means that party organization came second after party tradition in explaining the variations in the Roosevelt vote as between the different districts in Chicago.

While the method of partial correlation throws considerable light upon the relative importance of five of the independent variables, it was decided not to extend the method to the other seven. The computation of eleventh order partial correlation coëfficients would have been extremely cumbersome. Instead, it was decided to employ a method called multiple factor analysis, which is now being perfected by Professor L. L. Thurstone.[25] It is impossible within the limits of this article to discuss the theory and mathematics of this new method. The object of factor-analysis is to find out how many general and independent factors it is necessary to postulate in order to account for a symmetrical table of intercorrelations such as Table II. Another aim is to determine whether or not the coëfficients tend to group themselves in separate clusters. The application of this method to the problem at hand brought out the fact that the 156 intercorrelations could be expressed in terms of three general factors. The addition of a fourth factor did not improve the solution.[26] Since there were only three factors, it was possible to regard the three loadings for each variable as coördinates locating a point on the surface of a sphere.[27] Each of the 13 variables was then plotted on the surface of a sphere and orthogonal planes were passed through those points which appeared to form spherical right angles with each other. The new coördinates gave what we call a graphical solution. The factors are independent in the sense that if two variables were located at two poles of the spherical triangle, the correlation between them would be zero. The closer that any two variables are to each other

[25] The word "factor" is used in the following technical sense. A factor is a reference variable in terms of which given variables can be expressed as linear functions. See L. L. Thurstone, *The Vectors of Mind* (Chicago, 1935).

[26] The residuals were so small that they could be neglected. The centroid method was employed.

[27] A coëfficient of correlation may be expressed as the cosine of the central angle between two points on the circumference of a circle.

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on the surface of the sphere, the closer is the correlation between them. Table IV gives the factor loadings for what is called a graphical solution.[28]

A brief consideration of the properties of the factor loadings might be taken up before an attempt is made to name the three factors in the problem at hand. Since the factor loadings are derived from the correlation coëfficients, it is possible to calculate the correlation between any two variables by employing only the factor loadings. The process of transformation is given by the following equation:

Let a = variable number 1
a_1 = the loading of a in factor I
a_2 = the loading of a in factor II
a_3 = the loading of a in factor III
Let b = variable number 2 and b_1, b_2, b_3 represent respectively the loadings of variable b in factors I, II and III
Then $r_{ab} = a_1b_1 + a_2b_2 + a_3b_3$.

Taking an actual example from Table IV, we find that the correlation of the Roosevelt vote and Lewis vote calculated from the factor loadings is .86, and that the original coëfficient is .84. Just as close an approximation could be obtained by using the factor loadings of any other two variables.

We are now faced with the problem of naming the factors. Mathematically, the solution may be almost perfect, but its meaning may not be clear. There is no assurance that the factor loadings will be such that they can easily be labelled. In naming the factors, we first look at the magnitude of the loadings and then at the signs. We look also at the geometric position of each of the variables and try to pick out the clusters or groups.

The first factor has high positive loadings for the following variables: Roosevelt vote, Lewis vote, Smith vote, Catholic origins, foreign birth, unemployment, party voting, and the wet vote; while it has high negative loadings for the woman vote and median rental. Should this factor be called the traditional Democratic vote, the Catholicism of the foreign-born, or economic distress? The low loadings which this factor has in the bond issue and home ownership indicated that it has little or nothing to do with the voters' reaction on public expenditures. If all the signs in this

[28] The term "factor loading" refers to the degree to which each variable is loaded or weighted with a general factor (or reference variable).

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TABLE IV

VOTING BEHAVIOR IN CHICAGO: 1928–1932

MULTIPLE FACTOR ANALYSIS: GRAPHICAL SOLUTION

Coördinates of D = .817, .036, .575; E = −.261, −.867, .425; P = −.514, .498, .699.

Letter Symbol	*Variable*	*Factor Loadings Inside Sphere*			*Variance**	
		D	E	P	h^2	$1-h^2=u^2$
		Traditional Democratic Vote Factor I	*Yes on Issues Factor II*	*Party Organization Factor III*	*Communality*	*Uniqueness*
c	Roosevelt	.87	.38	.25	.96	.04
a	Smith	.81	.43	.23	.90	.10
b	Lewis	.87	.26	.00	.82	.18
d	Women	−.48	−.31	−.48	.55	.45
e	Party Voting	.58	.30	.71	.93	.07
f	Bond Issue	.02	.78	.25	.67	.33
g	Wet Vote	.51	.58	−.03	.60	.40
h	Interest in Voting	.27	−.06	.42	.25	.75
i	Foreign Birth	.73	−.02	.35	.66	.34
j	Religion	.74	.02	.43	.74	.26
k	Median Rental	−.62	.05	−.62	.78	.22
l	Home Ownership	.17	−.68	.22	.54	.46
m	Unemployment	.66	.06	.62	.81	.19

* In deriving his equations, Professor Thurstone reduced his variables to standard scores. The total variance of such a variable is unity. Variance is the square of the standard deviation.

Let C_1 = factor loading of variable *c* in Factor I.

Then C_1^2 = that part of the total variance of variable *c* which is attributable to Factor I and C_2^2 and C_3^2 = that part of the total variance of variable *c* which is attributable to Factors II and III, respectively.

But the total variance of variable *c* may not be explainable by the factor loadings. Variable *c* may have errors of measurement, and it may also have a specific or unique factor that is not related to the other variables.

According to Thurstone's notation, h^2 = communality, or the variance of a variable with both the error of measurements and the specific factor eliminated.

The complement of the communality is called the uniqueness of the variable. It is designated by the symbol u^2.

In the above example, the Roosevelt vote has the highest communality. In other words, its variations have more in common with the variations of all the measures than any of the other variables. Interest in voting has the lowest communality, and therefore the highest uniqueness. The variables chosen did not include those which would throw most light on the motives for voting.

column were changed, then the factor would become the opposition of the areas where rents are high and where there are relatively large numbers of women registered to the Democratic party. In

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other words, the factor would stand for the Republican tradition of native Protestants of native parentage who live in the best sections of the city. Leaving the signs as they appear in the table, it was decided to call Factor I the traditional Democratic vote.

The second factor has its highest positive loadings in variables which refer to party issues, i.e., the bond-issue vote and the wet vote. The next highest positive loadings were in the Smith vote, the Roosevelt vote, and party voting. It is very significant that the highest negative loadings were in the ratio of women registered and in the home-owners. This clearly shows that the home-owners were highly conscious of the burden of taxation and voted against bond issues which might eventually increase their financial burdens. Factor II may be called the wet spendthrifts or the tendency to vote "yes" on repeal and bond issues.

An examination of the geometric solution of the problem shows that Factor III does not have any variables which are very close to its pole. The positive loadings are relatively high in party voting, unemployment, Catholic origins, and interest in voting. Since interest in voting has less in common with the other variables than any variable, its relative importance in naming this factor becomes clearer when we examine its geometrical position.[28] Actually, it is closer to the pole of Factor III than any of the other variables. Negative loadings for this factor are found in median rental and the ratio of women registered. On the basis of the available information, party organization seems to be the best name for this factor. The party organization is strong in the low rental areas of the city where there are many unemployed Catholics, and where relatively few women are registered. Independent voting is found in the higher rental areas where the Protestants and registered women are relatively numerous.

It is now possible to interpret the Roosevelt vote in the light of its relationship to all of the other variables. The Roosevelt vote has the highest loading in Factor I, a much lower loading in Factor II, and a still lower weighting in Factor III. This means that Democratic party tradition was most important in explaining the variations of the Roosevelt vote in Chicago. The wet sentiment and the free spending elements were of much less importance, and so was party organization.

[28] The sum of the squares of the loadings for each variable gives what is called h^2, or the communality. It represents what that variable has in common with all the other variables in the table (I) $l - h^2 = u^2$, or uniqueness of the variable.

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On the basis of the statistical method employed, we have discovered that the net relationship between variations in the Roosevelt vote and variations in economic status was not very close in Chicago. This is a rather surprising result in view of the fact that it is obvious that economic insecurity resulted in a large turnover of the votes. One of the reasons for this lack of relationship is to be found in the nature of the measures employed. The areas where unemployment hit the hardest were those which were already strongly Democratic in 1928. To increase the Democratic vote in these areas was a difficult task, since there were some Republicans who could not be moved from their party allegiance even by economic adversity. If we express the difference between the 1928 and the 1932 votes (expressed as per cents) as a ratio of the per cent of non-Democratic in 1928, we get a measure which makes some allowance for this situation. The correlation of this measure with unemployment was .40. In other words, there were many exceptions to the general tendency for poor people to swing more decidedly than the rich in the direction of the Democratic party in 1932. All economic groups were affected adversely by the economic crisis which started in 1929. The higher income groups were injured by bank failures, loss of interest, loss of equities, whereas the lowest income groups were hit by unemployment and actual want. All levels relieved some of their tensions by voting against the party in power.

Looking at the Chicago figures from a broader point of view, we can say that if the city electorate is in any way typical of the national electorate, the present study shows that in a democratic country having a two-party system, that party which enjoys the least success over a period of years tends to attract to it those elements which have the least social prestige and economic security. In the period from 1860 to 1932, the Republican party was the party which normally held the reins of government. The men of wealth, the scions of the older Protestant families, the women with money and leisure, were attracted to the Republican party.[29] On the other hand, the foreign born, those who happened to emigrate recently from Catholic countries, those who had difficulty in getting jobs in this country, naturally gravitated to the Democratic party, which in the Northern cities has usually listened to the pleas of the submerged groups.

[29] A. N. Holcombe, *Political Parties of Today* (New York, 1929).

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Our present study also shows that while an increase in economic insecurity produces a reaction against the party in power, the voting habits of many change slowly, even in a period of rapid economic changes. There is a distinct lag in the adjustment of political attitudes to changing material conditions. A departure from an equilibrium of social and economic forces disturbs only a small portion of the electorate in a Middle Western metropolitan community.[30]

[30] The present study has concentrated on the presidential election of 1932. The materials presented also throw light on such topics as the operation of universal suffrage, the operation of woman suffrage, the operation of direct law-making devices, and the operation of the Illinois election law. Below are some of the conclusions that might be drawn from the data:

Operation of certain expedients, electoral devices, in metropolitan community

1. Universal suffrage
   - A lack of property qualifications for voting does not mean that those with little or no property will invariably vote for the candidates who promise the most liberal spending, i.e., economic considerations are not completely controlling in voting behavior.
   - The party organizations are the most active agencies in stirring the eligible voter to register and vote.
   - Interest in voting as measured by per cent of adult citizens registered varies inversely with economic status.
2. Woman suffrage
   - Women tend to vote in the same way that men vote, except for minor variations.
   - Women of higher economic status show more interest in voting than women of inferior economic status.
   - Women are more favorable to measures regulating public morals (prohibition) than men.
   - Women tend to be slightly more conservative than men.
   - Women tend to be slightly more independent of party organizations than men.
3. Direct law-making
   - Home-owners (tax-conscious on bond issues) tend to vote against bond issues which are opposed by civic organizations.
   - The success of a proposition depends in large part on the attitude of the party organizations.
4. Election administration
   - The use of the straight-ticket provision of the Illinois ballot law tends to vary directly with foreign birth, unemployment, and Catholic origins and indirectly with the proportion of women voters and median rental. In other words, the poorer the voters are, the fewer women among them, the more persons of Catholic origins, the more likely they are to vote a straight party ticket.
   - A periodic personal system of registration of voters in an American urban community without adequate provisions for identifying the voter or canvassing the lists results in considerable fraud in the depreciated residential areas.

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First Session of the Seventy-fourth Congress, January 3, 1935, to August 26,1935.[1] The first Congress to replace the old lame-duck session convened with a mighty mandate from the electorate to support the President. It was estimated that 350 of the 561 members in Congress owed their seats to their pledge to back the New Deal. Controversial legislation had to be disposed of in this session if the meeting of Congress during the coming election year was to be brief and decorous. The general tone of the session was indicated by Senator Wagner when he said: "I am sure we all agree that one of the fundamental purposes of government is to give security to its people" (p. 9927).[2] The terms in which this purpose should be expressed remained the major problem of the session.[2a] No rallying point for opposition appeared in Congress. In the House, the unimaginative Snell offered little more than grumbles, and Senator McNary was not a consistent opponent. The leadership of the majority party was in the hands of staunch Southern Democrats whose first loyalty was to the will of the President.

Organization of the House. Byrns of Tennessee, as former floor leader, was the logical man to be selected for the speakership. The real contest arose over the floor leadership, and the rivalry among the candidates for the position indicated the seams of sectionalism within the Democratic party. Bankhead of Alabama was the favorite of the South, and the next in line for the post. Rival candidates were Rankin of Mississippi, McCormack of Massachusetts, Greenwood of Indiana, Sabath of Illinois, Crosser of Ohio, and Mead and O'Connor of New York. The weakness of Bankhead's rivals lay in their number. The North and West could not get together behind any non-Southerner. A split in the Massachusetts delegation spoiled McCormack's chances, and the attitude of Southern and Western Democrats toward Tammany weakened O'Connor's chances. The New York delegation was split, with the Tammany delegation supporting O'Connor. The latter was most favorably placed. When the Ohio delegation swung toward Bankhead and he became floor leader, O'Connor succeeded to his position as chairman of the Rules Committee. Seniority

[1] For notes on the 73rd Congress, 1st Session, see this REVIEW, Vol. 28, p. 65; 2nd Session, Vol. 28, p. 852. For the 72nd Congress, see Vol. 27, p. 404, and Vol. 26, p. 846. For notes prepared by Arthur W. Macmahon on the 71st Congress, see Vol. 24, pp. 38 and 913, and Vol. 25, p. 932. For notes on the 70th Congress, see Vol. 22, p. 650, and Vol. 23, p. 364; and on the 69th Congress, Vol. 20, p. 604, and Vol. 21, p. 297.

[2] Unless otherwise indicated, all page citations are to the bound edition of the *Congressional Record*. All references beyond p. 12429 are to the unbound edition.

[2a] In the House were 319 Democrats, 103 Republicans, 7 Progressives, 3 Farmer-Laborites, and 3 vacancies; in the Senate, the major parties mustered 69 and 25 supporters, respectively, and the minor parties one each.

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and sectional representation are the two important constants in the organization of the House.

The caucus that elected Byrns and Bankhead also committed the party to limiting Republican representation on the House committees. As actually proportioned, the Republicans held 250 committee places to 595 Democratic assignments.

Attracting little public attention, but none the less of strategic importance, were the chairmanships of 11 important House committees made vacant by death or defeat. Six seats on the powerful Ways and Means Committee and five posts on the Appropriations Committee were available. Doughton of North Carolina was chairman of Ways and Means, while Buchanan of Texas presided over the Appropriations Committee. The new appointments, however, brought representatives from Pennsylvania, Ohio, Oklahoma, Michigan, Missouri, and Illinois to Ways and Means, and similar appointees from the North and West to the Appropriations Committee.

The Republican caucus again elected Snell as leader of the opposition in the House. The Senate Democrats reëlected their party leaders. The thinned ranks of Republican senators showed notable absences; Fess of Ohio, Reed of Pennsylvania, and Robinson of Indiana were among the missing. The status of LaFollette raised a momentary question. Elected on the Progressive ticket, was he to be viewed as a Republican or accorded the same pariah status as Shipstead, the Farmer-Laborite? La Follette was not deprived of his committee seniority ratings. The fact that his friend Senator Nye was chairman of the Republican committee on committees may have had something to do with this. Twelve fledgling senators began their careers.

An undercurrent of dissent came to the surface when sporadic efforts toward organized action were made by the "mavericks" of the House. The Wisconsin Progressives nominated their own candidates for speaker and floor leader. Soon after the session began, a caucus of 50 House members discussed the Townsend plan. Later a hundred or more congressmen, brought together by their interest in the Patman bonus bill, discussed the possibility of forming a left wing *bloc*. Nothing came of these movements.

Discharge Rule. Immediately after the organization of the House, Mr. O'Connor offered an amendment to the rule requiring that henceforth a a majority of the House must sign the petition before a vote could be entertained requiring a committee to report. The expected crocodile tears were shed by opponents, who evoked the shades of Patrick Henry and Samuel Adams in stigmatizing this backward move to Cannonism. Republicans pointed out the embarrassing truth that the real purpose of the amendment was to increase the control of Democratic leaders over

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their own followers, since the 102 Republicans, even under the "liberal discharge rule, could not muster the 145 signatures required for a petition, much less command the 218 needed under the revised rule. Since the Democratic caucus had already agreed to the change by a vote of 225 to 60, the rules were altered by a House vote of 243 to 165. The basic reason for opposition to the change was thus frankly explained by one congressman: "If there is anything dear to the hearts of the organized groups of this country, organized labor, organized veterans, organized farmers, it is this vehicle for getting before the House legislation for consideration" (p. 18). The House leaders, however, were bent upon greasing the legislative machine for those measures dear to the heart of the Chief Executive. Unsuccessful efforts were made later in the session by Representative McLeod (Rep., Michigan) to have the rule liberalized. He characterized his motion as an attempt to break up the "rubber stamp" procedure of the House. A petition to force a vote on the Frazier-Lemke farm mortgage re-finance bill was attempted, but completion of the petition was blocked. Another procedural change of some importance was attained when congressional leaders finally took up the question of private bill procedure.[3]

Private Bills. "This subject is very much like the weather," said Chairman O'Connor. "It has been talked about for twenty years at least, and nothing much done about it" (p. 338). The Rules Committee, after nine months of consideration, and after canvassing the members of the House for suggestions, brought in a new rule to govern the procedure on private bills. Under the old system, the Speaker asked one or two members to watch for "bad bills" and to "object" to their passage. "Some of the objectors," said O'Connor, "are self-appointed, self-constituted 'guardians of the Treasury,' trying to prevent, in some instances, $100 being paid to a poor woman whose husband was injured, and at the same time voting for millions to eradicate the boll weevil or the Mediterranean fly or some similar insect in his district" (p. 4645). The new rule agreed to on March 27, by 294 to 70, set aside two days a month for the consideration of private bills. If two members object to a bill, it is referred back to a subcommittee of the original committee for special hearings. The measures approved by each committee after this reconsideration are then placed in omnibus bills and brought before the House again. Much doubt was cast on the efficacy of this solution. Would not all the dubious bills be rolled through together in omnibus fashion? Some members agreed that more personal pressure is exerted inside and outside Congress for the passage of private bills than in the case of public bills. The Rules Committee, nevertheless, had its way.

Filibustering. A procedure that continued to defy every rule or regula-

[3] For background on this point, see Robert Luce, "Petty Business in Congress," in this REVIEW, October, 1932.

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tion was the filibuster. It had been asserted repeatedly that if the short session were abolished, filibustering would be largely eliminated. This argument was advanced in the effort to do away with the lame-duck session.[4] It is interesting to note that in the first Congress called under the Twentieth Amendment the filibuster was a very prominent feature. This was not entirely due to the exhibitionism of the late Senator Long.

A filibuster, or a threat of filibuster, affected action in several instances. Most notable was the suffocation of the anti-lynching bill by a group of Southern senators. The Costigan-Wagner bill was unanimously reported by the Senate Judiciary Committee on March 12. It was said that organizations representing a total membership of 50,000,000 citizens had endorsed the bill. "As a result of the prolonged filibuster against the anti-lynching measure," Senator Neely stated on May 2, "the Senate has for more than a week utterly neglected the veterans' compensation legislation; the social security bill, including old-age pensions; the 30-hour-week bill for industrial workers; the Guffey coal bill, designed to stabilize the coal industry and save it from chaos; the extension of the National Recovery Act; and the other highly important matters too numerous to mention" (p. 7043). Senator Borah questioned the constitutionality of the lynching bill, but the core of opposition came from Southern senators. A small group of "willful men" may still effectively deter the Senate from considering a bill when the pressure of getting on to other more urgent business is sufficiently great.

On March 11, Senator Glass introduced a resolution to the effect that "during the consideration of any general appropriation bill, no debate, except by unanimous consent, shall be in order that is not germane or relevant to the pending bill." The Senator expressed a vast impatience with the existing procedure, but little hope that anything would be done to alter it. The favorable comment on Glass's motion came largely from outside the halls of Congress.

On March 22, Robinson threatened to resort to closure to curb the talk of the inflationists. The *Record* yields no further evidence of any real determination to choke off spectacular obstructionism. The occasions elected by Long suggest that his chief purpose was to attract attention in the newspapers. He held up the work relief bill in March by delaying a vote on the McCarran prevailing wage amendment. He conducted a one-man filibuster on May 21 in a vain attempt to prevent the calling of a joint session to hear the President's bonus veto message. After talking for five hours, the Senator requested a quorum roll call and retreated to the washroom. He was out of the Chamber before the first name was called. Senator Connally seized his chance to gain the floor and thereby quashed the quorum call.

[4] Lindsay Rogers, *The American Senate*, pp. 173 ff.

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For fifteen and one-half hours Senator Long filibustered against the N.R.A. extension. He was relieved by only one roll-call, and was not allowed to borrow the voice of the reading clerk. A wakeful group of freshman senators objected to any device that would prolong the filibuster. The Senator linked his obstructionism to those issues that were most in the public eye—work relief, the bonus, the the N.R.A. His last stand was the most strategic of all. Its publicity possibilities were unparalleled, and the success of his filibuster was assured through the leaders' tactical blunder in setting a fixed time for adjournment before securing the passage of the deficiency bill. Long literally talked the Senate to extinction!

Seating of Senator Holt. A procedural problem that provoked much debate was the seating of Senator-elect Rush D. Holt of West Virginia. On June 19, the Committee on Privileges and Elections filed a report of both majority and minority views concerning the eligibility of Holt. The committee, in reviewing the Senate precedents, stated: "In the Senate, Henry Clay was seated and served before he was 30 years of age. Likewise, Armstead Mason of Virginia and John Eaton of Tennessee each qualified as senators from their respective states and assumed the duties of the senatorial office before they were 30 years of age. Since no question was raised as to the eligibility of these men, their cases could be regarded as physical rather than as legal precedents" (p. 10036). In the cases of Albert Gallatin and General James A. Shields, the committee took special note of the fact that neither had been "a citizen of the United States for nine years on the date when final adverse action was taken by the Senate of the United States."

The committee did not choose to go beyond the fact that on the date when Holt presented himself to the Senate he was within the age limit. At what point should the test for eligibility be applied: at the time of election, the beginning of the term, or at the time when the senator presents himself for admission? "The only time the Senate is concerned with a man's qualifications is when he steps to the desk of the Vice-President to take the oath of office," Senator Long argued (p. 10163). Senator Hiram Johnson regarded the Shields case as providing the precedent to follow. Since Shields had not been a resident for nine years at the time of his election, he was ineligible for this election and the passage of time would not make him any more eligible with regard to that particular election (p. 10161).

One point raised by the minority report remained unanswered. Holt's credentials were filed after his election, and he was placed on the Senate pay-roll. He drew pay for five months before he presented himself to the Senate. What was his status during this interim? He had not been accepted as a member of the Senate; he was undeniably under the age limit set by the Constitution. The hair-splitting senators were unfavorably

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contrasted with the rail-splitting Lincoln. Holt argued that "it would be better for West Virginia to be without a senator such as she desired for six months than to be without such a senator for six years" (p. 10247). By a vote of 62 to 17, the Senate decided that Holt was entitled to his seat.

Constitutional Amendments. This Congress showed an unusual interest in constitutional problems. Many bills and resolutions were proposed for amending the Constitution. These proposals can be divided into those for increasing the authority of the federal government and those for altering the machinery of government. The number and variety of suggestions in this latter category are extraordinary: H. J. Res. 251 related to the President's term and H. J. Res. 188 to that of congressmen. H. R. 6463 and H. J. Res. 196 were to amend the amending clause. H. R. 7997, H. R. 8054, H. R. 8168, H. R. 8100, H. R. 8309, H. J. Res. 296, H. J. Res. 277, S. J. 149, H. J. Res. 329, and H. J. Res. 277 all related to the general question of judicial review.[5] H. J. Res. 110 would provide for the initiation of legislative measures by electors. H. J. Res. 89 and S. J. Res. 40 dealt with the war power. Several resolutions brought up questions of taxation, social welfare, and the limitation of wealth. While these suggestions received little or no consideration in this Congress, they indicate that in the mind of many congressmen the "need for constitutional reform" is more than an academic question.

On July 5, the President wrote to the chairman of the sub-committee in charge of the Guffey-Snyder coal bill: "I hope your committee will not permit doubt as to the constitutionality, however reasonable, to block the suggested legislation." The Chief Executive found that this was not the way to secure speedy action. His message encouraged opposition and delay. It aroused the constitutionalists. It served to emphasize the difficulty of maintaining smooth working relations between the legislative and executive branches. The awkwardness of the written word became only too apparent. The President's words served to obstruct his own purpose. For the student of political institutions, this Congress is especially significant for the light it casts on the chasm between the executive and the legislative branches.

Contact Man. One effort to bridge this gap became apparent when Charles H. West, a former representative from Ohio, appeared on the Hill as the President's contact man. Officially, West was connected with the Farm Credit Administration, but he gave his time to building friendly relations with congressmen and acting as a general *liaison* officer on the President's behalf. He was present at important conferences between congressional leaders and the Chief Executive. He was mentioned in connection with the work-relief appropriation and the social security legisla-

[5] For congressional reaction to judicial review, see pp. 10975–87.

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tion. He was reported to have advised against forcing the social security bill through the House under a gag rule. He was active in the fight for the holding-company bill. President Hoover had designated Walter Newton, a member of the White House staff and an ex-congressman, to handle congressional relations. Under the Roosevelt Administration, the task of such a contact man became of increasing importance.

The President and Congress. How much direction did the President impose upon Congress? The atmosphere of this Congress differed from that of the last in that the members of the House could look forward to two years before facing election. This was the period left to the President for building up his own record for reëlection. The question of the President's control of Congress can be finally determined only in terms of the substantive content of those measures supported by the Administration. Did Congress essentially alter these measures so as to vitiate the President's policies? There are no objective criteria by which this question may be answered.[6] We can only note that the major items on the "must program" were passed in one form or another.

Although congressional leaders commanded a party majority unprecedented since Reconstruction days, they could not rely upon the solidarity of this support. The first major defeat of the session came with the Senate vote on the World Court. The Administration leaders argued that the President secured at least a Senate majority. Despite a special presidential message (January 16) and a last minute White House conference with the doubtful senators, the resolution failed by seven votes to receive the necessary two-thirds. Twenty Democrats and fourteen Republicans voted against the bill. Whether the rain of protest from the Shrine of the Little Flower affected the outcome it is impossible to know, but the debates suggest that the real resistance lay in the strength of stereotypes that not even party discipline could override. To join the World Court would mean helping the Rothschilds and Rockefellers, fighting the battles of Europe, pouring blood and treasure on foreign soil, denying the wisdom of Washington, and casting off the Monroe Doctrine. The proponents of the World Court had no effective counter-symbolism.

The next battle of the session, the struggle over works-relief legislation, was seemingly fought out along more rational lines. The work-relief program was introduced by the President in his message of January 4. The bill was not signed until April 8. The appropriations proposed were the largest ever demanded in peace time. In the House, party leaders were able to prevent any "interference" with the bill. Chairman O'Connor frankly stated that the House leaders were unwilling, because of the inevitable log-rolling, to permit the members to earmark "either the

[6] For a highly critical appraisal of the President's relations with Congress, see an article by Paul Ward in the *Nation* for September 11, 1935.

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amounts or the nature of the projects upon which this huge fund should be expended." The leaders saw only too clearly the consequences of a situation in which every representative would try "to take care of" his own district. Strenuous objection was raised against giving the President $4,800,000,000 without definite knowledge of the purposes for which the money was to be spent. Said Senator Schall: "We are confronted here today with a joint resolution [H. J. Res. 117] practically calling for a 'four billion lump,' and neither the parentage of the resolution nor the purpose of it are divulged beyond the usual camouflage" (p. 4025).

The conservative element in the Senate Appropriations Committee was stopped only by a 10 to 10 tie vote from reducing the relief measure to a simple dole. The President did not want his $4,800,000,000 cut by $2,000,000,000. This danger was no sooner passed than the same committee agreed to the McCarran "prevailing wage" amendment. This came seemingly as a concession to the A. F. of L. The Administration countered by threatening not to enact works-relief legislation if the labor lobby insisted upon the prevailing wage scale. Thus the *via media* of the New Dealers exposed them to attack from conservatives and laborites. The Senate Appropriations Committee eventually allocated the $4,000,000,000 under eight general heads, although discretionary power was left to the President to increase or decrease any category by 20 per cent. The $800,000,000 he was allowed to distribute as he wished.

The Chief Executive met with difficulty in obtaining the support of conservative senators, even within his own party. Conservatives tried to decrease the appropriation, progressives sought to more than double the figure. All such proposals were voted down. Senator Adams (Dem., Colo.) proposed to reduce the appropriation by $2,000,000,000. He was supported by Senator Carter Glass, chairman of the Appropriations Committee. Glass stated that "upon divisions in the Senate committee as to the various problems arising in connection with the joint resolution, there was at all times a non-partisan division in the vote" (p. 2549). The chairman of the Appropriations Committee was in the curious position of being strongly opposed in principle to federal aid, and yet called upon to defend the bill in the Senate and to fight the inclusion of the McCarran prevailing-wage amendment. Senator Glass reminded his colleagues that if they "were going to place that immense sum in the hands of the President, it must be done because of absolute confidence in his integrity and in his judgment" (p. 2476).

What were the President's plans? Would the work-relief bill beat down the prevailing wage in industry? There was ground for uncertainty. Administration leaders were not entirely clear as to the Chief Executive's intentions. In order to find out, Senator Glass telephoned the White House. "I took the precaution to communicate with the White House—the White

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House does not often communicate with me," he said. The President responded by sending a letter.

Through written communications and occasional conferences, contact was maintained. But the confusion arising over the President's real intentions and the purposes for which the appropriations were designed suggested that this relation was far from satisfactory. The silver *bloc* succeeded in attaching a rider to the work-relief bill. Senator Glass was so anxious to expedite the passage of the bill that he was willing to have the measure go to conference with the rider attached. In conference, the bill was "cleansed" of those items distasteful to the Administration. Lacking an item veto, the President's only hope was to control the conference and thereby have the irrelevant riders removed.

The weaknesses in a system that prevents the originators and future administrators of a bill from defending it before the body expected to approve such a measure became manifest. In view of the delay and misunderstanding resulting from this separation of powers, the bill granting cabinet members the right to debate in Congress seems pertinent. A measure to legalize such procedure was actually debated in this Congress. It was argued that if the course of legislation in the future was to be devised and directed in large measure by the President, existing procedure should be altered to meet this situation.

Despite the irrelevant interruptions of those who tried to interject partisan comments, Representative Harlan, on February 14 and 27, ably defended his bill H. R. 5493.[7] The Congressman called attention to the inherent weaknesses in congressional leadership: able leaders there have been, but "they either voted and talked as the majority in their districts required or they were not reëlected to Congress." "If such leadership happened to be in the national interest," said Congressman Harlan, "it was due to the fortuitous circumstance that a man of exceptional ability happened to come from a district that had the national viewpoint rather than a sectional one. The purpose of bringing cabinet members on the floor of the House is to give the only public official that is elected by all the people of the United States, the President, power to exert leadership over Congress at all times from a national viewpoint; not by the accident of circumstance, but as a system of government" (p. 2760). Congressmen remained untouched by what they regarded as an academic discussion.

Bonus Proposals. The most spectacular difference between Congress

[7] See pp. 2758–61, 1999–2002. The first measure of this kind was introduced by Senator G. H. Pendleton in the 46th Congress. Similar attempts to secure such coöperation between cabinet and Congress have been endorsed by three presidents, by a senatorial committee of outstanding ability, and by two chief justices of the Supreme Court (p. 2761).

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and the President arose over the matter of soldiers' bonus legislation. The American Legion supported the Vinson bill; the Veterans of Foreign Wars, the Patman bill. The former measure provided for a payment of the bonus without reference to where the money was coming from; the Patman measure authorized the issuance of about $2,000,000,000 in greenbacks for cash payments to 3,500,000 holders of adjusted compensation certificates.

The bonus discussion became entangled in a very complicated procedure. It was a duel of parliamentarians; their seconds were the lobbyists, who followed each thrust and parry. The House in committee of the whole took the Vinson bill under consideration on March 21. By a process of amendment, the measure was transformed into the Patman bill. By a standing vote, a teller vote in the committee of the whole, and finally a roll-call vote in the House, the amended bill was adopted. Thus the Patman bill won direct adoption without being reported by a standing committee.

A motion to reconsider was laid on the table, and the House adjourned, so that the question might be considered further when all interested members were present. This was in accord with the promise of the House leaders that all members should have a chance to take a stand on the bonus bills. Under a special rule brought in by the Rules Committee, two motions to recommit the Patman bill were allowed. "This rule," Chairman O'Connor explained, "for the first time in the history of the parliamentary procedure of this body, as far as we were able to ascertain, made in order the Patman bill, a bill which had never been reported from any committee of the House." Further jockeying ensued. The votes on the motions to recommit gave the House a chance to reconsider the questions of the day before. The first vote was very close. A tie threatened momentarily to bring victory to the Vinson bill, but a shift of Southern Democrats brought a 207 to 204 vote in favor of the Patman proposal. The second motion to recommit was voted down by 319 to 82. The Patman bill passed the House on March 22 by 318 to 90.

The measure passed the Senate on May 7 by 55 to 33. Patman and Vinson forces joined hands in the Senate to defeat the Harrison compromise measure by a 54 to 30 vote. Then, on the next vote, the factions split and the Patmanites defeated the Vinson bill by 52 to 35. Senator Clark, hoping to secure a reconsideration of this vote, changed his vote from aye to no, so that he could make such a motion. Thomas and Long, however, anticipated this move. The former moved for a reconsideration of the vote, and Long immediately moved that this resolution be tabled. Clark demanded a roll call, but the motion to reconsider was tabled by a vote of 48 to 37.

The Patman bill gained some support in the Senate from those who

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regarded a presidential veto as inevitable. Its extreme terms, it was thought, would facilitate the President's course. The Harrison compromise was said to have been framed by certain leading Democratic senators who faced reëlection next year. They could not stomach the bills proposed, but they feared the consequences of flatly opposing the bonus. The President indicated his willingness to accept the Harrison compromise measure. Fortunately for the Chief Executive, he was called upon to reject the more extreme Patman bill. The American Legion, in the beginning at least, had declared against the Patman bill. In the face of executive disapproval, all the organized veterans made mighty efforts to secure the few Senate votes needed to override the veto. The House lost no time in voting by 322 to 98 to force through the Patman bill. The President was sustained in the Senate by 54 to 40, nine votes short of the two-thirds needed. The Democrats split 41 to 28 and the Republicans divided by 11 to 12. The sharpest sectional cleavage occurred between the New England senators and those from the West North Central states: Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas. New England supported the veto 10 to 2. Of the two dissenters, one was a Republican, the other a Democrat. The West North Central states opposed the President by 12 to 1 in the Senate.

Congressional Spending. Although the Chief Executive won a slender victory on the bonus, Congress had its way on many less conspicuous but costly issues. A substantial concession was made to the veterans when the limitation under the 1933 Economy Act upon Spanish War pensions was removed. The Committee on Rules refused to grant a rule for the consideration of H. R. 6995, but the bill was brought up on the Consent Calender and passed without a record vote and with no debate. When the bill reached the Senate, Senator Robinson, on behalf of the Veterans' Administration, sought to present a substitute for the exceedingly broad terms of the measure under consideration. "I realize the pressure behind the bill before us," said he (p. 12654). His amendment was disregarded, and the bill passed by 74 to 1. As was brought out in the debate, this legislation may serve as a precedent for the reënactment of certain disability allowances to veterans of the World War.

In eliminating the five per cent salary reduction for federal employees, Congress advanced the original date for pay restoration by three months. This measure was put through as a rider to the first deficiency bill, and the President admonished Congress but signed the bill perforce. There was no roll call in the Senate nor record vote in the House on this rider. On January 21, the House, under a suspension of the rules and without a record vote, passed a $50,000,000 seed loan bill. The Senate, without debate, struck out all of the House bill after the enacting clause, substituted its own provision, raising the loan to $100,000,000, and passed

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the measure without a record vote. In conference, the loan was set at $60,000,000.

With the support of the National Grange and the American Farm Bureau Federation, Senator Wheeler, on February 8, shoved through a one per cent reduction on Federal Land Bank loans. After strenuous objection by Floor Leader Robinson, a motion to reconsider was adopted; but the measure was again passed by 43 to 39. The Bankhead bill, setting up a Federal Farmers' Home Corporation with a capital of $50,000,000, passed the Senate on June 24, but did not come to a vote in the House. The measure was designed to extend credit to tenant farmers.

The attitude of congressmen toward the voting of federal funds was portrayed by Senator Barkley thus: "I realize how difficult it is to argue against an appropriation out of the Treasury which is designed to help someone. I recall, when I was in the House of Representatives, out in the cloak room one day a very distinguished member of Congress after a heavy lunch was lying on the couch. Someone ran into the cloak room and said, 'For God's sake, come out and vote against the amendment. They are about to rob the Treasury of $10,000,000.' He jumped up, rushed to the floor of the House, and voted against the $10,000,000 steal as it was portrayed to him. After he had been in the House of Representatives for five or six years, he happened again to be reclining in the cloak room after a heavy lunch, and some one came rushing in and said, 'For God's sake, come out and vote against an amendment which will rob the federal Treasury of $100,000,000.' He merely opened his eyes and turned over and went back to sleep" (p. 1859).

When appropriations were proposed at this session to provide congressmen with extra clerical assistance, the members reassured one another that their action would not be misunderstood by their constituents. They stressed the great increase in their mail and the greater interest in government that this reflected. The allowance for clerical assistance is now $5,000 for each congressman. Some admitted that this was a generous sum. An appropriation of $440,000 for additional assistance was amended to read that no part of the clerk-hire allowance should be paid to relatives of congressmen. The question arose as to whether this applied to those already employed. Puzzled members could get no explanation, and the bill as amended was defeated, March 4, by 146 to 241. The Democratic floor leader, the whip, the chairman of rules, and the chairman of the steering committee supported the bill. It was said that many members voted against the bill because they thought that it might endanger their "loved ones" already on the government pay-roll.

The "Pork Barrel." Congressmen who voted with alacrity to cut down on the number of pigs in the country were not averse to approving of a good pork barrel for themselves. A federal building for every district was

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a slogan that few could resist. The second deficiency bill provided $58,000,000 for construction outside of the capital. H. R. 6732, appropriating over half a billion dollars for rivers and harbors, passed the House April 9 and the Senate June 27 without a record vote. An effort to allocate funds from the four-billion-dollar appropriation for flood control projects brought the charge that this was pork-barrel legislation. Representative Greenwood replied: "So far as I am concerned, I am in favor of 'pork-barrel bills' where they carry proper projects, that allocate the various projects all over the United States where the benefits can accrue not to one particular community, but to the various communities" (p. 14532). Members were assailed for criticizing others, when all had their arms in the pork barrel "up to the shoulder."

No bill smelled more strongly of pork than H. R. 8455, which came to the Senate floor for debate on August 23 after passing the House the night before. The bill of 53 pages called for $500,000,000 to dig drainage ditches and "improve" remote waterways. Senator Tydings, in a masterpiece of ridicule and satirical burlesque, held the measure up to scorn. His facetious filibuster was so effective that the measure was recommitted for more scrupulous consideration at the next session.

The absence of responsible control appears most clearly in appropriation legislation. Party discipline in Congress cannot control members bent on feathering their nests at home, since their political lives depend on local support. The President is helpless when appropriations are added as riders to important bills. Senator Tydings laughed one pork barrel to death. The free seed racket has been riddled with ridicule in the past, but the seed loan bills now call for millions. The President protests, but he signs the legislation. Events of this session suggest once more the question as to whether the President might not properly be given the item veto power. The experience with tax legislation points out a possible result, in sharply focussing responsibility in the President, that is perhaps significant.

Tax Program. Mr. Roosevelt's tax proposals came as the culmination to a "must" program that had aroused increasing protest from various quarters. Hostile senators interpreted the President's tax message as "a political gesture intended to offset the great public alarm and the very great interest in the share-the-wealth movement" (p. 10680). The message came on Wednesday, June 19, and by the week-end general confusion prevailed as to what should be done: Senator Harrison and Representative Doughton, chairmen respectively of the Senate and House Ways and Means Committees, were reported as opposed to tax legislation at this session; Speaker Byrns and Floor Leader Robinson favored action before adjournment. After a three-hour conference at the White House, the newspapers quoted Robinson as saying that "it was decided to press

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for action on the recommendations of the President as to amendments to the tax laws at the present session."

Senate leaders considered expediting the President's program by adding it as an amendment to the nuisance-tax bill then before the Senate. Unless this bill was passed by June 30, the nuisance-tax provisions of the law would lapse. The public reaction to such a speedy consummation was unfavorable. The President was asked at a press conference whether the collection of nuisance taxes would cease in case the resolution authorizing their continuance was held up by his tax program. He denied that he had urged or requested the enactment of his tax program by midnight on Saturday, June 30. His recommendations, he said, had dealt merely with principle and policy. Critics took this to mean that the President had shifted his position to avoid criticism. Robinson and Harrison, who had promised immediate action, were placed in an embarrassing position. "What irritates me," said Senator Hastings, "is that the President of the United States, because of the loyalty of these two great men, should make them take the blame instead of taking it himself" (p. 10682). Had the President left his loyal ministers sitting out on a limb? Had the Chief Executive backed down? Senator Harrison denied that this was the case. He explained that he favored adding the tax program as an amendment to the nuisance tax because he felt that this was the "only way" to have the matter considered at the present session. Then he found that certain "tax experts" were not ready to advise the Finance Committee and that a delay was inevitable. "I immediately got in touch with the leader of the House," Senator Harrison stated. "I spent hours over at the other end of the Capitol in conference with Speaker Byrns, with Chairman Doughton, and with the whole Democratic membership of the Ways and Means Committee. I told them the whole situation." It was agreed to pass a joint resolution continuing the nuisance taxes for 60 days and then to take up the President's tax program. Thus "seemingly undue haste" might be avoided.

Was the unfavorable public reaction to hasty legislation too powerful to be ignored? Did the question of constitutional propriety in "initiating" the tax program in the Senate enter into the change of front? Was the delay of the "experts" the real reason? Or had the President changed his mind? "Whatever wrong-doing has been committed," protested Senator Harrison, "whatever erroneous impressions may have gone to the country, we do not blame the President of the United States" (p. 10685). To some members of the Senate it appeared that the Senator did "protest too much."

The significance of this incident does not lie in the hidden motives of the participants, whatever they may have been, but rather in the way our presidental system has produced ministers who are ready to take public

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blame in order to shield the Chief Executive. The episode raises a question as to the wisdom of making the presidential office more responsible. If the President were held to a close accountability, he would inevitably become laden with an accumulation of grievances. Is this compatible with an official elected for a fixed term of years? F. J. Goodnow once described the English prime minister as "so sensitive to public opinion that the work of a day almost may cause his overthrow."[8] More than one official in both the legislative and administrative branches have drawn upon themselves the opprobrium that under a parliamentary system would be directed at the prime minister. When a political party hopes to maintain its leader in the White House for eight years, the President must be guarded from the frictions that his administration creates. The New Deal has had a notable procession of scapegoats who have retreated from office under a weight of popular disapproval. The President would cease to be effective if he had to bear this burden alone. If he loses his influence over Congress and his popularity throughout the country, his constitutional powers avail him little. A characteristic of our presidential system seems to be this tendency to shield the Chief Executive, and hence to divest the presidential office of an overwhelming weight of responsibility. Whether responsible executive control is compatible with our presidential system with its fixed tenure of office is certainly debatable. In this country, it is not an easy task to distinguish between those acts for which the President should be held answerable and those over which he has no control. The critic who would hit the guilty party must use buck-shot, though the speed with which "the buck" is passed may render the effort fruitless.

Holding-Company Legislation. To a particular degree, the President made the holding-company legislation his own concern. In messages to Congress on January 4, March 12, and June 19, he referred directly to the abolition of unnecessary holding companies. This became the major issue over which the regulation of interstate electrical power sale and transmission was fought. Where a bill encounters the strong opposition of a powerful lobby, the legislative process discloses the difficulties that arise from divided responsibility and separate authorities. There is little "drive" in the system. Shilly-shally is reënforced by dilly-dally. Such procedure was doubtless intended to limit an arbitrary executive, to curb the impulse of "popular passion," or to bring about a compromise of sectional differences. Present-day demands, however, mean that the federal government is more often concerned with curbing the force of some powerful economic or social group outside the official structure than with maintaining a balance among the political forces represented in the various branches of the government. The bonds of party are hardly

[8] *Politics and Administration*, pp. 261–262.

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strong enough to contrive a united resistance to the organized drive of a powerful economic group. The course of the holding-company legislation illustrates these observations. On behalf of the Administration, one bill rigidly regulating holding companies was introduced in both houses on February 6. More than three months later, on May 14, the Senate reported out a modified version of the bill. The extent and nature of the changes made by the Interstate Commerce Committee were not apparent, however, because while the committee considered S. 1725, they reported back a new bill, S. 2796. The original bill, plus the committee amendments, was presented as a new bill. The procedure was criticized on the ground that "senators will be placed in an embarrassing position by having presented to them a bill without being able to ascertain, from an examination of the bill itself, what particular amendments have been adopted by the committee" (p. 8685). On the floor of the Senate, attention centered on Section 11. Senator Dieterich introduced an amendment modifying this section, but Administration spokesmen said that his proposal would take out "the heart of the bill." Senator Wheeler drew the issue squarely between following Dieterich and following Roosevelt. He read a private letter from the President as evidence of White House opposition to any amendments that struck at Section 11. By a vote of 45 to 44, Dieterich's amendment was defeated on June 11. This vote cut directly across party lines, the Democrats dividing 29 yea to 35 nay, the Republicans 15 yea to 8 nay. The votes of the Farmer-Laborite Shipstead and the Progressive La Follette saved the Administration. The core of the opposition came from the New England and Atlantic seaboard states. The East North Central states were about evenly divided. The support for the President came from the South and the West, the Mountain and Pacific areas being overwhelmingly opposed to the proposal of the Democratic Dieterich of Illinois. A second test was immediately precipitated by Lonergan, Democratic senator from Connecticut. His modifying amendment was voted down by 45 to 43. The line-up remained the same, except that the Democratic Ashurst of Arizona refrained from voting. The holding-company bill passed the Senate by 56 to 32.

In the House, the bill encountered greater difficulties. After protracted consideration, the Committee on Interstate and Foreign Commerce, by a vote of 15 to 7, reported the measure on June 22 without the "death sentence." "Fifteen Democrats," a member of the committee stated, "and one Republican on the committee voted for the bill. One Democrat voted 'present.' Six Republicans voted in the opposition." The strategy in the House turned upon the substitution of the Senate "death sentence" provision. By a teller vote, this proposal was voted down on July 1 by 146 to 216. A record vote on July 2 showed that the House, by 258 to 147, preferred its own bill to that of the Senate. A sectional analysis of this

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vote reveals that the delegations from the populous industrial states on the Atlantic seaboard and north of the Ohio River were overwhelmingly opposed to a drastic holding-company policy. The great majority of congressmen from these states that control the greatest proportion of electoral votes were unwilling to go along with the President. The Democrats split, 166 to 130. The Middle Atlantic states voted by 67 to 13, the South Atlantic states by 42 to 8, and the East North Central states by 56 to 27, to support the House bill. The delegations from the regions most consistent in their support of the President were divided in their votes on the holding-company measure. The bill finally passed the House by 323 to 81 after a motion to send it back to committee with instructions to eliminate the House "death sentence" had failed by 93 to 312.

The two houses were thus deadlocked; nor was the conference committee able to reach an agreement. When the time came to instruct the conferees of the House, another opportunity for a record vote was offered. By 210 to 155, the House refused to have its committee accept the Senate death-sentence proposal. Not until the Senate offered a compromise backed by the pleas of the party leaders would the House shift its position. The Speaker entered the debate with an appeal directly to his fellow-partisans to compromise the issue. Chairman Rayburn read a similar plea from the President. Fifty-nine Democrats changed their minds (as of August 1), and the bill was passed by 219 to 142. Both houses accepted the conference report on August 24. The President won, but only after a prolonged struggle.

Great bitterness marked the debate on this measure. Charges of lobbying activities were brought to the fore. Members reported a flood of mail, some of which was reprinted in the *Record*. Senator Clark stated that in one week 15,000 letters poured into his office. The President stated: "I have watched the use of investors' money to make the investor believe that the efforts of the government to protect him are designed to defraud him. I have seen much of the propaganda prepared against such legislation—even down to mimeographed sheets of instructions for propaganda to exploit the most far-fetched and fallacious fears. I have seen enough to be . . . unimpressed." Critics complained that "the bill was written by Mr. Benjamin Cohen and Mr. Thomas Cochran, two bright young men brought down from New York to teach Congress 'how to shoot.' Some of us were here when both were yet in short pants" (p. 10760).

The Federal Trade Commission investigation over a period of years had brought to public attention the faults of the utilities. This opinion, it was argued, was now being turned to destroying the utility industry. Said Representative Huddleston: "I deplore these outside influences. There is the Tennessee Valley Authority, with its program of propaganda slipped into school literature and put out to the people through their

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publicity agencies" (p. 10762). Congressman Brewster of Maine said that he was threatened by an administrative official with the cancellation of the Passamaquoddy power project unless he supported the death-sentence provision. This resulted in an investigation of lobbying by the House Rules Committee in which particular attention was given the tactics of the Administration. A special Senate committee was thereupon appointed to look into the activities of the public utility interests. Senator Black was in command. Earlier in the session, he had secured the Senate's passage of a bill to require the registration of all lobbyists. He continued to make their lot unhappy. Lobbying was brought to public attention in several ways. On the basis of his investigation of the munitions industry, Senator Nye introduced S. 3098, a bill to make public the activities of the ship-building lobby, and S. 3099, a bill to prevent profiteering.[9]

Disagreement between House and Senate as to the terms of various bills gave lobbyists an opportunity to focus pressure upon the key men on the conference committees. On the banking bill, Congressman Goldsborough, for example, stated: "The New York bankers are sending word to the state bankers' associations to contact the individual banks and have them request their representatives to see that their conferees recede and concur in the Senate bill. All the pressure that Wall Street can bring to bear upon this House indirectly through the banking associations and the member banks is going to be brought" (p. 12439).

Others expressed dissatisfaction with the procedure in conference committees. On July 29, a resolution was introduced calling for "free and fair conditions" in the conference on the holding-company bill and the exclusion of all persons not managers for the House or Senate. The criticism was aimed at Mr. Benjamin Cohen, who was the constant adviser of the Senate conferees. The debate on this measure revealed how vital a part administrative advisers play in the framing of legislation. Congressmen with experience on various committees confessed their great dependence upon experts in the departments. It was stated that "with respect to every one of the supply bills that have been passed after conference for the last 20 years the House conferees have taken with them to the conference any experts they chose, and likewise, the managers on the part of the Senate have had their experts with them in the conference" (p. 12437).

What happens where the chairman is not favorably disposed toward the bill under his charge? The Vice-President stated on April 9 that in the future he would use his own discretion so as to make sure that a bill

[9] On p. 5765 of the *Congressional Record* for this session is a list prepared by the Legislative Reference Bureau citing all the congressional investigations since 1921 —their subject, authorization, cost, and findings.

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went to conference in the hands of those who reflected the attitude of the Senate toward the measure. In the past, the Vice-President has simply appointed as conferees those persons suggested by the senator in charge of the bill. Senator Robinson argued that "the Senate is entitled to have its conferees reflect its views." In the works-relief bill, he stated, "the conferees inserted a provision that was not in the joint resolution as it passed either body, a provision which eliminates the possibility of carrying on projects which the majority of the Senate wishes to see carried on" (p. 4927). There was no surety that any bill would be guided through the legislative maze by those who favored its provisions or who stood clearly accountable for its ultimate fate.

Patronage. It is, of course, impossible to say how effective patronage proved in overriding congressional objections. In this session, it certainly was the cause of disagreement on more than one occasion. In the House, an attempt was made to oust all field employees of the Home Owners' Loan Corporation who were not residents of the state when their local office was established. A modified restriction was agreed upon requiring all field officials to be residents of the state where they were employed. By 109 to 292, the House voted down the proposal that political considerations be disregarded in making appointments. Congressional dissatisfaction with the H.O.L.C. was revealed. Why were constituents not getting the loans they wanted? Who appointed these bureaucrats who were disregarding local demands? Congressman Blanton introduced the text of an agreement between Farley and the Texas delegation which ran in part as follows: "The two senators are to control the following patronage: district and appellate judges, district attorneys, United States marshals, internal revenue collectors, custom officers, postmasters in their respective home cities, all state-wide appointments, and all appointments requiring confirmation of Senate. . . . The congressman in each district is to control, subject to above, all postmasters in his district, all appointees in his district to be made by Mr. Morgenthau, the Reconstruction Finance Corporation, the Census Bureau, the Agricultural Department, the Treasury Department, and other appointments in his district not state-wide" (p. 225).

The foregoing letter was signed by the entire Texas delegation and approved by Farley. Congressman Blanton introduced it as evidence of bad faith when one of his appointees (an aged politician) was passed over by the H.O.L.C. officials. "Every county appraiser in my 19 counties was selected by me. Every county attorney in my 19 counties was selected by me." What right had officials to voice an opinion in the selection of their personnel? Congressman McFarlane of Texas took the offensive about two weeks later. He had no difficulty in getting three times the number of petition signatures needed for calling a Democratic caucus to

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discuss patronage. "We are daily being besieged by our constituents with applications for positions. . . . They cannot understand why so few positions under this administration have been given to Democrats" (p. 1039). He criticized the Civil Service Commission for "ignoring" the apportionment law, and demanded an investigation of the entire handling of patronage. "It is common knowledge to the Democratic membership of the House that practically all key positions in the entire emergency set-up created by the Seventy-third Congress are held by Republicans." Not only were the recommendations of Democratic congressmen ignored, but "practically all positions paying more than $4,000 per year in all the regular departments of government here in Washington as well as out in the field are held by Republicans, many of whom supported Mr. Hoover in the last election."

The Administration could not ignore this strenuous protest. The caucus met and congressional growls rose to cheers when Speaker Byrns announced that 10,000 jobs in the C.C.C. paying $115 or more a month would be reserved for deserving Democrats. The President promised further to place personnel officers in the various departments to consider complaints. Thus a general shake-up was avoided. This concession came at a crucial time, and Senator Hastings of Delaware accused the Democrats of using C.C.C. jobs as bait to secure support for the works-relief program. Administration leaders offered no denial. Floor Leader Robinson stated: "I think the present Administration has kept in office in key positions too many Republicans too long. If I chose to go into details, I could name hundreds of old mossback Republicans [laughter]" (p. 2547).

The attitude of Congress was directly reflected on several other occasions. The Senate passed an amendment requiring confirmation by that body for all officials receiving salaries of $5,000 or more under the works-relief bill. Later, this measure was modified considerably in conference. The Senate also agreed, by 43 to 38, to the proposal that all federal appointments to positions paying more than $4,000 should be confirmed by the Senate. This resolution was ultimately rejected, but it delayed the N.R.A. extension bill for two days.

A different note was struck by Senator Bankhead in his opposition to an extension of the merit system. He presented a long list of positions in the A.A.A. which were excepted from civil service examinations and carrying salaries of from $840 to $2,600 a year, the incumbents being all college graduates. The degrees and colleges were listed. Asserting that "no governmental agency could show a higher type of personnel," he further declared: "On the Administration in power rests the responsibility of carrying out its program and policies; and I shall oppose any extension of the civil service which would deny the appointing power sufficient

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latitude to enable him to secure both loyalty and efficiency on the part of those who execute the administrative program" (p. 4043).

Despite the objections raised on a previous occasion, Senator Steiwer brought S. 509 to the attention of the Senate on August 1. This bill was designed to prevent federal employees from participating in party conventions. "The predominant importance and political leadership of Mr. Farley," he said, "the waning confidence in the President in certain sections of the country, with the left wing of the party in revolt, coupled with the two-thirds requirement which is imposed by the rule in the Democratic convention, all combine to bring about a result which will tempt the use of the federal appointees" (p. 12751). The Democratic leadership would not let this bill come to a vote. H. R. 5453 and H. R. 2845 were introduced to bring presidential postmasterships under the merit system, but were not acted upon. The only victory for a non-partisan civil service came when Congress decided that the employees of the new Bituminous Coal Commission should be appointed under the merit system.

All in all, the session here reviewed showed how "political pickings" may in time be reduced to bones of contention. Filibusters. deadlocked conference committees, party splits, non-record votes, lobbyists—all contributed to the confusion of the law-making process. The 15,000 pages of the *Congressional Record* which set out the details add poignancy to the motto, "In God We Trust"!

E. Pendleton Herring.

Harvard University.

The Ratification of the Twenty-first Amendment. All proposals of amendments to the Constitution of the United States under Article V have been made only by Congress and, with the exception of the Twenty-first Amendment, the mode of ratification has been "by the legislatures of three-fourths of the several states." The Twenty-first Amendment alone was ratified by conventions in three-fourths of the states.

The enrolled joint resolution proposing the Twenty-first Amendment was delivered on February 20, 1933, to Secretary of State Henry L. Stimson.[1] On February 21, he sent identic letters to the governors of the forty-eight states, enclosing with each letter a certified copy of the joint resolution, and requesting that the resolution be submitted to a state

[1] The general statements and statistics in the first part of this paper are based on *Ratification of the Twenty-first Amendment to the Constitution of the United States*, Publication No. 573, Department of State (1934). For assistance in the collection and analysis of state statutes, I wish to thank two students, S. Beach Conger, Jr., and Robert S. Johnson.

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convention and that a certified copy of the action taken be communicated to the Secretary of State.

Prior to 1933, there had been no occasion for legislation on the subject of such conventions in the states, but during 1933 forty-three states (all except Georgia, Kansas, Louisiana, Mississippi, and North Dakota) passed laws providing for action on the proposed amendment. Pursuant to these laws, conventions met in thirty-eight states. The Twenty-first Amendment was ratified by thirty-seven of these conventions in 1933;[2] the convention in South Carolina rejected it; the electorate of North Carolina voted for convention delegates, but also voted against the holding of a convention; while Montana, Nebraska, Oklahoma, and South Dakota made provision for the choice of convention delegates in 1934.

The number of delegates in the ratifying conventions varied from 329 in Indiana to three in New Mexico. However, in only six conventions did the number of delegates total 100 or more—Alabama, 116; Indiana, 329; Michigan, 100; New Jersey, 226; New York, 150; and Oregon, 116. In the other states, the numbers were: Arizona, 14; Arkansas, 75; California, 22; Colorado, 15; Connecticut, 50; Delaware, 17; Florida, 67; Idaho, 21; Illinois, 50; Iowa, 99; Kentucky, 19; Maine, 80; Maryland, 24; Massachusetts, 45; Minnesota, 21; Missouri, 68; Nevada, 40; New Hampshire, 10; Ohio, 52; Pennsylvania, 15; Rhode Island, 31; Tennessee, 63; Texas, 31; Utah, 21; Vermont, 14; Virginia, 30; Washington, 99; West Virginia, 20; Wisconsin, 15; Wyoming, 66.

The convention method of ratification of proposed amendments raised a number of questions. Did Congress have the power to prescribe detailed rules and regulations governing the conventions, or was this a power reserved to the states? Should state laws provide for all future conventions or only for the one acting on the proposed repeal of the Eighteenth Amendment? What method should be used in the nomination of delegates to the conventions? What representative unit should be employed? Should the date of the election of delegates be fixed by law or be left subject to proclamation by the governor? Should the date of the

[2] Michigan, April 10; Wisconsin, April 25; Rhode Island, May 8; Wyoming, May 25; New Jersey, June 1; Delaware, June 24; Massachusetts, June 26; Indiana, June 26; New York, June 27; Illinois, July 10; Iowa, July 10; Connecticut, July 11; New Hampshire, July 11; California, July 24; West Virginia, July 25; Arkansas, August 1; Oregon, August 7; Alabama, August 8; Tennessee, August 11; Missouri, August 29; Arizona, September 5; Nevada, September 5; Vermont, September 26; Colorado, September 26; Washington, October 3; Minnesota, October 10; Idaho, October 17; Maryland, October 18; Virginia, October 25; New Mexico, November 2; Florida, November 14; Texas, November 24; Kentucky, November 27; Ohio, December 5; Pennsylvania, December 5; Utah, December 5; Maine, December 6. In several instances, delays in receipt of ratification by the Department of State changed the order of states as published by the Department.

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meeting of the convention be specified by law, or be fixed by the governor, or by the secretary of state? How far should procedure in the convention be fixed by law or be left to the convention? To what extent should the convention be a deliberative body, or merely an agency to reflect the wish of the electorate as expressed in the selection of the delegates?

Opinions differed concerning the power of Congress to provide for all of the details governing the conventions. Proponents of congressional power found champions in such recognized authorities on constitutional law as former Attorney-General A. Mitchell Palmer and Professors Edward S. Corwin and Howard Lee McBain. Opposed to them were James M. Beck, former Attorney-General William Mitchell, and the late Senator Thomas J. Walsh of Montana, to mention only a few representative leaders of opinion.

Mr. Palmer contended that members of Congress, presidential electors, and members of ratifying conventions have federal power alone, which they derive from the federal Constitution. It follows that control of their choice is on principle a normal federal function, and unless the federal government is to exist solely on state sufferance, "if the Constitution had contained no provisions governing the election of these officials, the Congress would necessarily have had the power to control them all." Therefore, Congress has the power to regulate the election of members of ratifying conventions. Furthermore, action by Congress, in Mr. Palmer's opinion, would obviate much confusion and permit the same method of expression of popular will in each state.[3]

Professor McBain, while expressing the belief that so far as power was concerned Congress could enact a law dealing with the subject, admitted a practical difficulty in the determination of the innumerable details involved in the procedure. He pointed out that however constitutionally competent it might be, "it would seem almost absurd for Congress to set up a complete election machinery running down to the last election precinct in every state in the Union and to provide all the paraphernalia and officers necessary to operate it. It would be almost indispensable that the existing state machinery should be used."[4]

Mr. Beck took direct issue with Mr. Palmer and Professor McBain, maintaining that the power of Congress was limited, by the text of the Constitution, to the method of ratification and the time within which such ratification must be made. While admitting that Congress could appropriate money to the states to cover the cost of the ratifying conventions, he declared that there was no historical or textual justification for

[3] *New York Times*, December 11, 1932 (signed article by A. Mitchell Palmer). See also *ibid.*, June 19, 1935; *Congressional Record*, 72d Congress, 2d Session, 130–134 (December 7, 1932).

[4] *New York Times*, December 11, 1932 (signed article by Howard Lee McBain).

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the theory that Congress could relieve the states of the function of calling state conventions and prescribing the manner of selecting delegates to them. Mr. Beck saw little merit in the argument based on the statement of Justice Brandeis in the case of Leser v. Garnett (258 U. S. 130) that "the function of a state legislature in ratifying a proposed amendment to the federal Constitution, like the function of Congress in proposing the amendment, is a federal function derived from the federal Constitution, and it transcends any limitations sought to be imposed by the people of a state." He said that any amendment proposed under Article V is a "federal function" in the sense that it is a power derived from the Constitution. So, too, he argued, a state legislature, when similarly engaged, is a federal agency. To hold that the state legislatures thus came within the plenary power of Congress, he held to be an absurdity.[5]

Senator Walsh and Mr. Mitchell expressed agreement with the views of Mr. Beck. Senator Walsh said that "varying local conditions in the states made it necessary, as well as constitutional, for each Commonwealth to work out its own basis of representation" in the ratifying conventions.[6]

Although a number of bills were introduced in Congress to provide a uniform method of ratifying the proposed amendment, none was adopted and the details were left to the states, thus establishing an important precedent. However, there was some doubt on this point among the members of state legislatures, even after the proposed amendment had been submitted to them for ratification. In their laws providing for the conventions, no less than twenty-one states included a section stating that if Congress should prescribe the manner in which the conventions should be constituted, the provisions of the state act should be inoperative and officers of the state were authorized and directed to act in obedience

[5] *Ibid.*, January 22, 1933 (signed article by James M. Beck). See also *Congressional Record*, 72d Congress, 2d Session, 124–130 (Dec. 7, 1932), 2419–2421 (Jan. 24, 1933). For an interesting state interpretation of the term "federal function," see *Acts of Arkansas, 1933*, Act 151, Sec. 4 (pp. 469–470).

[6] *New York Times*, February 21, 1933. On this controversy, see also William D. Mitchell, "Methods of Amending the Constitution," 25 *Lawyer and Banker*, 265–270; N. T. Dowling, "A New Experiment in Ratification," 19 *A.B.A. Journal*, 383–387; William A. Platz, "Article Five of the Federal Constitution," 3 *George Washington Law Review*, 17–49; Norman T. Ball, "Ratification of Constitutional Amendment by State Conventions," 2 *ibid.*, 216–221; Alexander Lincoln, "Ratification by Conventions," 18 *Massachusetts Law Quarterly*, 287–298; Dumont Smith, "Has Congress Power to Call Conventions in the States to Consider Constitutional Amendments?," 2 *Journal of the Bar Association of Kansas*, 1–7; H. S. Phillips, "Has Congress Power to Call and Regulate Ratifying Conventions?," 6 *Florida S. B. A. Law Journal*, 573–578; George J. Schaefer, "Amendments to Constitution: Ratification by State Convention," 7 *St. John's Law Review*, 375–378.

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to the act of Congress with the same force and effect as if acting under a state statute.[7]

On the other hand, New Mexico championed the cause of state rights in a declaration that any attempt on the part of Congress to prescribe the details governing the convention "shall be null and void in the state of New Mexico, and all officers of the state, or any subdivision thereof, are hereby authorized and required to resist to the utmost any attempt to execute any and all such congressional dictation and usurpation."[8]

Of the states which passed laws providing for ratifying conventions, sixteen made provision by general laws for any amendments which might be proposed in the future.[9] The laws of the remaining twenty-seven states

[7] The states so providing were Arizona, California, Connecticut, Delaware, Florida, Idaho, Indiana, Iowa, Maryland, Montana, Nevada, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

In order to obviate frequent footnote citations, references to state statutes providing for the calling of the conventions are here listed in alphabetical order: *Alabama General and Local Acts, Extra Session, 1933*, pp. 77–80; *Arizona Supplement to the Revised Code, 1934*, pp. 141–143; *Arkansas Acts of the 49th General Assembly, 1933*, pp. 467–470; *California Codes, Laws, and Constitutional Amendments of California, 1933 Supplement*, pp. 1759–1763; *Colorado Session Laws, Extraordinary Session, 1933*, pp. 51–59; *Connecticut Special Laws, 1933*, vol. xxi, part 2, pp. 835–838, 913, 984; *Delaware Laws, 1933*, pp. 33–43; *Florida Compiled General Laws, 1927, Annotated Cumulative Supplement, 1934*, pp. 31–32; *Idaho General Laws of the 22nd Session, 1933*, pp. 328–334; *Illinois Revised Statutes, 1933* (ed. Cahill), pp. 96–98; *Indiana Acts of the 78th Session, 1933*, pp. 851–858; *Iowa Acts Regular Session, 45th General Assembly, 1933*, pp. 1–5; *Kentucky Acts of General Assembly, Extra Session, 1933*, pp. 22–29; *Maine Acts and Resolves of 1933*, pp. 640–643; *Maryland Laws, 1933*, pp. 447–454; *Massachusetts Acts and Resolves, 1933*, pp. 161–163; *Michigan Public Acts, 1933*, pp. 24–26; *Minnesota Laws, 1933*, pp. 272–276; *Missouri Laws, 1933*, pp. 233–237; *Montana Laws, 1933*, pp. 458–461; *Nebraska Cumulative Supplement to Compiled Statutes, 1933*, pp. 318–319; *Nevada Statutes, 1933*, pp. 252–258; *New Hampshire Laws, 1933*, pp. 153–157; *New Jersey Laws, 1933*, pp. 143–148, 226, 371, 1453; *New Mexico Laws, 1933*, pp. 400–405; *New York Laws of the 156th Session, 1933*, pp. 525–533; *North Carolina Public Laws, 1933*, pp. 600–607; *Ohio Laws, 1933*, pp. 74–77; *Oklahoma Session Laws, 1933*, pp. 499–503; *Oregon Laws, 1933*, pp. 845–848; *Pennsylvania Laws, 1933*, pp. 233–237; *Rhode Island Acts and Resolves, 1933*, pp. 74–87; *South Carolina Acts, 1933*, pp. 1180–1184; *South Dakota Session Laws of 1933*, pp. 100–103; *Tennessee Public Acts, 1933*, pp. 53–64; *Texas General Laws, 43rd Legislature, Regular Session, 1933*, pp. 358–364; *Utah Laws, 1933*, pp. 36–38; *Vermont Public Laws, 1933*, pp. 118–120; *Virginia Acts, Extra Session, 1933*, pp. 3–8; *Washington Laws, 1933*, pp. 697–702; *West Virginia Acts, 1933*, pp. 78–84; *Wisconsin Laws, 1933*, pp. 180–184; *Wyoming Session Laws, 1933*, pp. 111–113.

[8] *Laws of New Mexico, 1933*, Chapter 163, section 16 (p. 404).

[9] Arizona, Delaware, Florida, Idaho, Indiana, Iowa, Missouri, Montana, New Mexico, Ohio, South Dakota, Texas, Utah, Vermont, Washington, and Wyoming.

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were of a special nature and related only to the amendment at hand.[10] The largest number of these latter laws stated their purpose to be the calling of a convention to act upon the amendment proposing the repeal of the Eighteenth Amendment. Some of them, however adopted such phraseology as "to act on the question of the ratification or rejection of the Twenty-first Amendment"—a faulty title, since there was no "Twenty-first Amendment" until ratification had been accomplished.[11] It would have been possible, for example, for the state legislatures, by hasty action, to have completed ratification of the proposed child labor amendment, thus constituting it the Twenty-first Amendment. A few states did not refer to any amendment by number, but merely to "the following amendment," or to "the proposed amendment."[12]

There was considerable difference of opinion as to whether the delegates to the conventions should be elected by the voters of the states at large, or by districts, or by a combination of the two methods. In Maine, the question was submitted to the justices of the supreme judicial court for an advisory opinion. In their reply the justices reviewed the subject historically and found that in all previous constitutional conventions delegates had been chosen by localities within the state. They declared that this method met the requirement that the members of the constitutional convention should fairly represent the people whom they served, and they consequently held that they did "not deem it advisable for the state, under the terms of Article V of the federal Constitution, to organize a convention wherein the delegates entitled to participate are all elected at large."[13]

Despite this adverse opinion of the Maine justices, twenty-five of the states voted at large for their delegates.[14] Fourteen states[15] chose them by districts and four[16] combined the methods.

The methods of nominating delegates to the conventions varied widely.

[10] Alabama, Arkansas, California, Colorado, Connecticut, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New, Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

[11] These states were Alabama, Arkansas, Maine, Michigan, and Oklahoma.

[12] Colorado, Illinois, Minnesota, and New Hampshire.

[13] *Maine Legislative Record, 1933* (Senate, March 27), 804.

[14] Arizona, California, Colorado, Delaware, Florida, Idaho, Illinois, Iowa, Kentucky, Minnesota, Missouri, New Hampshire, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wisconsin.

[15] Arkansas, Indiana, Maine, Massachusetts, Michigan, Montana, Nebraska, Nevada, North Carolina, Oregon, South Dakota, Texas, Washington, and Wyoming.

[16] Alabama, Connecticut, Maryland, and New Jersey.

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In twenty-five states,[17] the nominations were made by petitions. In the remaining eighteen, almost every conceivable method was employed, including nomination by the governor,[18] by mass conventions of qualified electors,[19] by nominating committees, boards, and caucuses of various kinds,[20] by primary election,[21] by personal action of the individual,[22] and by the Democratic and Republican state executive committees.[23] Nor was there uniformity within these classifications. In Nevada and Wyoming, for example, mass conventions, held in each voting precinct, selected delegates to county conventions, which in turn elected delegates to the state convention. In Maryland, the legislature selected a nominating committee of twenty-nine, composed of one member from each county and legislative district. This committee then nominated pledged and unpledged persons from each congressional district and others from the state at large. In Massachusetts, the nominating agency was a caucus, composed of the governor, lieutenant-governor, councillors, state secretary, state treasurer, attorney-general, and state auditor. New Hampshire and Vermont employed a plan somewhat similar to that of Massachusetts. In Michigan, boards consisting of probate judges, county clerks, and prosecuting attorneys made the nominations. In Virginia, the nominating committee was composed of the governor, lieutenant-governor, the speaker of the house of delegates, and two persons selected by the governor.

In twenty-eight states, the date of the proposed convention was specified in the law. Fourteen states authorized the governor to proclaim the date, while one, California, empowered the secretary of state to do so. Similarly, the date of the election of delegates to the convention was specified in the laws of twenty-seven states. It was proclaimed by the governor in fifteen states, and by the governor and council in Massachusetts.

Fourteen states made no provision by law for compensating the delegates to the convention. Some provided mileage alone, while others gave mileage and necessary expenses. Where pay was given, it ranged from a flat rate of five dollars in Maine to twenty-five in Nebraska, and from

[17] Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Kentucky, Maine, Minnesota, Montana, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, and Wisconsin.

[18] As in Colorado.

[19] As in Iowa, Missouri, Nevada, Texas, and Wyoming.

[20] As in Maryland, Massachusetts, Michigan, New Hampshire, South Carolina, Vermont, Virginia, and West Virginia.

[21] As in Nebraska.

[22] As in Oregon and Washington.

[23] As in West Virginia.

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four dollars a day in Utah to five dollars in South Dakota. In some instances, both pay and mileage were provided. New Mexico stipulated that delegates should receive the same compensation as presidential electors, while Illinois left the matter to the convention itself.

So far as convention procedure was concerned, some of the state laws provided merely that the convention should elect its own officers and keep a journal recording the votes of the delegates. In other states, further items of procedure were prescribed. Illinois authorized the governor to call the opening session to order. Massachusetts did likewise, and also named the state secretary as temporary clerk until permanent officers were elected. In Michigan, the lieutenant-governor was named as president, the clerk of the house as clerk, while the sergeant-at-arms, committee clerks, and stenographers of the house were appointed to the same positions in the convention. The Michigan law further stipulated that the delegates should elect one of their own number president *pro tempore* and that the sessions should be public. New Mexico provided that the convention should be organized "as by law providing for organization of presidential electors," which meant, primarily, that the delegates should choose their own presiding officer and secretary.[24] The North Carolina law required that the convention should be called to order by a member of the supreme court. In Pennsylvania, the lieutenant-governor was named as chairman, the secretary of the senate as secretary, the chief clerks of the senate and house as tellers, while the secretary of the commonwealth was to present the election returns when the convention was called to order. Rhode Island authorized the governor to call the convention to order and the secretary of state to call the temporary roll of delegates, after which a permanent president was to be elected. The laws of South Carolina and Wyoming prescribed no procedure at all. Vermont made the secretary of state the *ex-officio* secretary of the convention. Virginia provided that the clerk of the house of delegates should act as temporary chairman and after permanent organization should become secretary and administer the oath of office. Procedure in the Washington convention was to be under the state senate rules so far as practicable. It was made the duty of the secretary of state to call the convention to order and to act as temporary chairman. Oaths were to be administered by the chief justice of the supreme court, after which permanent officers were to be elected. Virginia and Washington were unique in requiring more than a majority of delegates to constitute a quorum. Virginia set the number at twenty, which was two-thirds of the total, while Washington provided that two-thirds of the elected members should constitute a quorum. In both of these states, however, a majority of those elected was sufficient to adopt or reject proposed amendments.

[24] *New Mexico Statutes Annotated, 1929*, Section 41–702 (p. 777).

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In nearly all of the state laws, provision was made for separate lists of delegates known to be in favor of or opposed to the ratification of the proposed amendment. This was true in the case of the states passing general laws to cover any proposal in the future as well as in the case of those states providing only for action on the proposed repeal of the Eighteenth Amendment. Some states made provision for the selection also of unpledged delegates.[25] The Wyoming statute made no mention of the preferences of the delegates, apparently leaving the delegates free to debate and vote as a truly deliberative body. The separate listing of nominees for the office of delegate to the convention indicates that it was the intention in most of the states to confine the activities of the delegates principally to casting votes in corroboration of the expressed will of the people. However, although this was what actually happened, few of the laws specifically bound the delegates to vote in accordance with the result of the ballot. A few of them did. Alabama required of each candidate for membership in the convention a sworn statement in which he pledged himself to abide by the result of the referendum in the state, and it stipulated further that each candidate should be required to support in the convention the position declared by a majority of those casting ballots in the election. Similarly, candidates in Arkansas were required to make sworn statements as to their position for or against repeal. Voters cast their ballots for the candidates and also directly on the question of repeal. The secretary of state was authorized to tabulate and declare the results and certify to the chairman of the convention the total number of votes for and against repeal. The law stipulated that the convention should thereupon cast its vote "for whichever side of the question a majority of the total number of votes cast in the entire state was cast," and the convention should immediately adjourn. Having thus provided for the vote of the delegates to be in accordance with a popular referendum, the Arkansas law contains another section asserting that in calling this convention and the election of delegates thereto, the general assembly "is acting under powers derived from and conferred upon it by the Constitution of the United States and actions of the Congress of the United States and its actions herein are federal functions and are not subject to any limitations imposed by the constitution of the state . . . ," and therefore the act was not subject to the referendum! According to Arkansas legislative logic, a referendum prior to the convention, but which bound the members of that body, was altogether different from one after the convention ratifying or rejecting its decision.

Oregon likewise provided that at the same election at which delegates were elected the question of ratifying or rejecting the proposed amend-

[25] Delaware, Florida, Illinois, Maryland, New York, Ohio, Tennessee, and West Virginia.

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ment should be placed before the electors in the form of a popular referendum. Electors filing candidacy for election to the convention were required to file a pledge that in casting their votes in the constitutional convention they would vote in accordance with the will of the majority of the voters of the county from which they were candidates, as shown by the popular vote on the question. In West Virginia, nominees were required to sign a written pledge in triplicate to vote in the convention for or against ratification in accordance with their statement as candidates. Unpledged candidates for the office of delegate could be nominated by petition and not otherwise. But it was left to Arizona to cap the climax in this respect by providing that "delegates elected upon a platform or nomination petition statement as for or against ratification must vote at such convention in accordance with such platform or nomination petition statement, and upon failure to do so will be guilty of a misdemeanor, his vote not considered, and his office will be deemed vacant."

An important and vital point concerning the fundamental nature of a constitutional convention is here raised. It was placed squarely before the justices of the supreme judicial court of Maine in the request of the senate of that state for an advisory opinion on the question: "Must a convention assembling in a state to pass upon an amendment to the Constitution of the United States and submitted by vote of the Congress to the action of conventions in the several states be a deliberative convention?" The justices replied: "A convention is a body or assembly representative of all the people of the state. The convention must be free to exercise the essential and characteristic function of rational deliberation. This question is, therefore, answered in the affirmative."[26]

A contrary view was expressed by the justices of the supreme court of Alabama. Replying to the question of whether the binding of delegates to abide by the result of the state referendum, as provided in the Alabama law, prevented the proposed convention from being a convention as intended by Article 5 of the Constitution of the United States, the justices advised in the negative. They held that a convention was more truly representative when expressing the known will of the people, and they were "unable to see in the federal Constitution any purpose to prohibit a direct and binding instruction to the members of the convention voicing the consent of the governed."[27]

The available official records of the state conventions confirm the conclusion that the conventions were not truly deliberative bodies, but

[26] *Maine Legislative Record, 1933*, pp. 598, 804; 167 *Atlantic Reporter*, 178, 180.

[27] 148 *Southern Reporter*, 107–111. See comments on these cases in 47 *Harvard Law Rev.*, 130; 18 *Minnesota Law Rev.*, 70–71; 37 *Law Notes*, 121–122. The comments in the latter two articles differ as widely as the opinions of the justices in the two cases cited.

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merely registered the will of the voters who elected the delegates to them.[28] At least one exception to this rule was supplied by Indiana. In the convention in that state, a minority report on permanent organization, containing a complete slate of "dry" candidates for convention officers, was submitted, but it was defeated.[29] Furthermore, the Indiana convention adopted a set of rules especially drafted for the occasion[30] and permitted an extended debate on the resolution to ratify the proposed amendment.[31] But there is ample proof in action and word that in this respect Indiana stood practically alone. In many of the conventions, the ratifying resolution was voted on without debate. This was true in Arizona, Colorado, Delaware, Idaho, Illinois, Iowa, Minnesota, Nevada, New Hampshire, New Jersey, and Texas. Speeches in support of the resolution were made in Connecticut, Florida, Kentucky, New York, Utah, Vermont, Virginia, Washington, and Wyoming, but none against it.

The attitude of members of the conventions is well illustrated by typical comments drawn from the records. President Lucius F. Robinson of the Connecticut convention declared: "It may be, as has been argued, that the framers of the federal Constitution, in drafting Article 5, did contemplate the election of such a convention of delegates to whose judgment, recorded after debate and due deliberation, the people would delegate the momentous decision involved in an amendment to the fundamental law. Upon this question we, the chosen delegates, have been debating and deliberating for more than twelve years, and we come into this hall prepared to record our deliberate judgment in full accord with the mandates of the electors."[32] So, too, President Joseph R. Fraley of the Iowa convention said: "And the people of Iowa have spoken. What they have said no man or woman can mistake, and we, their delegated representatives, in a spirit of consecration to their voice, will now proceed, in this constitutional convention, to record their mandate."[33] In the New York convention, President Alfred E. Smith asserted: "Of course when we left our respective homes we knew exactly what was going to happen here. The question of the repeal of the 18th Amendment has been settled, as far as the state of New York is concerned, by the people

[28] Through the courtesy and coöperation of the staff of the law library of the University of Michigan, it was made possible to examine the official records of the conventions in Arizona, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, and Wyoming.

[29] *Journal of the Convention of the People of the State of Indiana*, pp. 23–24.

[30] *Ibid.*, pp. 26–34.

[31] *Ibid.*, pp. 44–53.

[32] *Connecticut Constitutional Convention*, p. 14.

[33] *Iowa Journal of the State Convention*, p. 17.

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themselves."[34] The committee on resolutions in the Texas convention reported that it had prepared a resolution favoring ratification "which expresses the mandate and will of the people of the sovereign state of Texas."[35]

In the Vermont convention, Delegate Walter S. Fenton questioned whether "action of such important effect should be taken without at least some discussion of the subject-matter,"[36] but Governor Wilson, in addressing the delegates, remarked that "while in some ways the machinery is a little cumbersome and you have to strain the bounds a little bit to say that you people are delegates to this convention in the sense of delegates ordinarily going to a convention, yet it is a pretty good working way."[37] Likewise, President C. O'Conor Gooldrick stated in the Virginia convention that the delegates had assembled, not to review, but to confirm the judgment of the people. He added that "conventions ordinarily are deliberative bodies, but no deliberation is necessary where the people have spoken in plain and decisive manner on a public question, fully understood by every intelligent voter."[38] The haste with which action was being taken caused Delegate Sullivan of Wyoming to remark that "the danger in this convention is in not having a minority; we might do things in an irregular way," but the prevailing sentiment was expressed by Delegate J. G. Flannery in the same convention: "We are here to bury Caesar and the quicker the better."[39]

The general order of business in the various state conventions was fairly uniform, but differed considerably as to details. The usual routine included the call to order, the invocation, the roll call of delegates, the administration of the oath of the delegates, the election of officers, and the vote on the proposed amendment. In a number of the conventions, prepared slates of officers were elected without opposition; in others, there were several nominations, with accompanying supporting speeches. The governors of the states were frequently invited to address the delegates.

The principal difference in procedure lay in the selection or omission of various committees. Some of the conventions—for example, in Arizona, Colorado, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New Jersey, New York, Pennsylvania, Texas, and Utah—appointed committees. Others did not. When a motion was made

[34] *New York Convention to Consider and Act upon the Ratification of the Amendment . . . Providing for the Repeal of the 18th Amendment*, p. 15.
[35] *Texas Constitutional Convention*, p. 9.
[36] *Vermont Constitutional Convention*, p. 13.
[37] *Ibid.*, p. 15.
[38] *Virginia Journal of the Convention*, pp. 13–14.
[39] *Wyoming Constitutional Convention*, p. 17.

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in the Massachusetts convention to authorize the chairman to appoint committees on rules, elections, and resolutions, Delegate Charles F. Ely demurred on the ground that the delegates knew they had been elected and for what purpose. He said he failed to see why it was necessary to have the committees at all. There being no opposition, the committees were dispensed with and the delegates without debate voted to ratify the proposed amendment.[40]

Such were the ratifying conventions. In a restricted sense, they satisfied the legal requirement of the Constitution that action be taken by conventions, but not by the greatest stretch of the imagination could they be regarded as deliberative bodies. The ratification of the Twenty-first Amendment by the convention method marks another milestone in the experience of the American people with the processes of democratic government. Further practice may serve to perfect the procedure, but the precedents established on this occasion will serve as guide-posts to future action.

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Organization of the Executive Branch of the National Government of the United States: Changes between August 12 and October 15, 1935.[1] As in previous lists, mention is here made only of units specifically authorized by law or established by the President under general authority vested in him.

Ackia Battle Memorial Commission.[2] Created by Public Act No. 362, 74th Congress, approved August 27, 1935, to prepare plans and programs for the commemoration in May, 1936, of the two hundredth anniversary of the battle of Ackia. The commission consists of five members to be appointed by the Secretary of the Interior, one member to represent the Chickasaw Indians, and one the French-speaking people of the United States. The commissioners are to serve without compensation.

[40] *Massachusetts, Proceedings of the Constitutional Convention*, pp. 15–18.

[1] In the December, 1933, issue of the REVIEW, pp. 942–955, appeared a tabular review of the changes in major units of the national government between March 4 and November 1, 1933. Supplementary lists have appeared in the following issues: April, 1934: changes between November 1, 1933, and March 15, 1934; October, 1934: changes between March 15 and June 30, 1934; February, 1935: changes between June 30 and December 15, 1934; August, 1935: changes between December 15, 1934, and July 5, 1935; October, 1935: changes between July 5 and August 12, 1935.

[2] The victory of the Chickasaw Indians over the French at the battle of Ackia, Mississippi, is said to have prevented the consolidation of the French settlements in North America. An account of the campaign and battle is given in House Report 584, 74th Congress, 1st Session.,

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Advisory Board on National Parks, Historic Sites, Buildings, and Monuments. Created by Public Act No. 292, 74th Congress, approved August 21, 1935, to advise the Secretary of the Interior and to recommend policies relating to national parks and historic and archaeological sites, buildings, and property. The Board is appointed by the Secretary of the Interior, and consists of eleven members, "to include representatives competent in the fields of history, archaeology, architecture, and human geography." The members receive no compensation, but may be paid traveling expenses.

Bituminous Coal Labor Board. Created in the Department of Labor by the Bituminous Coal Conservation [Guffey] Act (Public Act No. 402, 74th Congress), approved August 30, 1935, to adjudicate labor disputes in the bituminous coal industry. The Commission consists of three members appointed by the President by and with the advice and consent of the Senate. One member is to be a representative of producers, one a representative of organized employees, and one (the chairman) an "impartial person with no financial interest in the industry, or connection with any organization of the employees." The Board will cease to exist on August 30, 1939.

Camden Board of Arbitration. Created by the President by Executive Order No. 7154 of August 22, 1935, to arbitrate the labor dispute at the Camden, New Jersey, yard of the New York Shipbuilding Corporation. The Board consists of three members.

De Soto Expedition Commission. Authorized by Public Resolution No. 57, 74th Congress, approved August 26, 1935, "to make a thorough study of the subject of De Soto's expedition and to report back to the next session of Congress its recommendations for a suitable and appropriate celebration of the four hundredth anniversary of said expedition." The Commission is to consist of not fewer than five nor more than seven members, and is to be appointed by the President.

Federal Alcohol Administration. Created by Federal Alcohol Administration Act (Public Act No. 401, 74th Congress), approved August 29, 1935, as a division in the Treasury Department. It supersedes the Federal Alcohol Control Administration created by Executive Order No. 6474 of December 4, 1933, under the provisions of the National Industrial Recovery Act. The Administrator is appointed by the President by and with the advice and consent of the Senate. The Federal Alcohol Administration exercises social and economic control over the alcoholic beverage industry, and issues basic permits to engage in the industry. It has nothing to do with the collection of taxes, which remains in the Bureau of Internal Revenue.

Federal Reserve Board. Name changed to Board of Governors of the Federal Reserve System by Banking Act of 1935 (Public Act No. 305,

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74th Congress), approved August 23, 1935. Designation of governor and vice-governor changed to chairman and vice-chairman. After February 1, 1936, the Secretary of the Treasury and the Comptroller of the Currency will cease to be members, and the Board will consist of seven members appointed by the President by and with the advice and consent of the Senate. The present Board consists of six appointive members and the two ex-officio members.

Indian Arts and Crafts Board. Created by Public Act No. 355, 74th Congress, approved August 27, 1935, "to promote the economic welfare of the Indian tribes and Indian wards of the government through the development of Indian arts and crafts and the expansion of the market for the products of Indian art and craftsmanship." The Board consists of five members appointed by the Secretary of the Interior to serve without compensation, but to be reimbursed for "actual expenses, including travel expenses, subsistence, and office overhead." Income derived by the Board is to be placed in a special fund to be available for expenditure without further action by Congress.

National Bituminous Coal Commission. Created in the Department of the Interior by the Bituminous Coal Conservation [Guffey] Act of 1935 (Public Act No. 402, 74th Congress), approved August 30, 1935, to administer that act, which aims at the stabilization of the bituminous coal-mining industry. The Commission consists of five members appointed by the President by and with the advice and consent of the Senate. The Commission will cease to exist and the act will cease to be in effect on August 30, 1939.

National Munitions Control Board. Created by Public Resolution No. 67, 74th Congress [Neutrality Resolution], approved August 31, 1935, to register and license manufacturers, exporters, and importers of implements of war. The Board consist of the heads of the following executive departments: State, Treasury, War, Navy, and Commerce.

Office of Consumers' Counsel of the National Bituminous Coal Commission. Created in the Department of the Interior by the Bituminous Coal Conservation [Guffey] Act (Public Act No. 402, 74th Congress), approved August 30, 1935, to represent the consuming public in any proceeding before the Commission and to conduct independent investigations. The Consumers' Counsel is appointed by the President by and with the advice and consent of the Senate. The office will cease to exist on August 30, 1939.

Office of Coördinator for Industrial Coöperation. Created by the President by Executive Order No. 7193 of September 26, 1935, with the following duties: (1) "To supervise, subject to the direction of the President, conferences of representatives of industry, labor, and consumers for consideration of the best means of accelerating industrial recovery,

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eliminating unemployment, and maintaining business and labor standards; (2) to coördinate and report to the President on matters relating to appointment, employment, discharge, compensation, and duties of officers and employees of the National Recovery Administration"; (3) to receive from the Federal Trade Commission and to present to the President for his consideration the voluntary trade practice agreements which contain labor provisions, and which the Federal Trade Commission was authorized to formulate by Executive Order No. 7192 of September 26, 1935. The Office of the Coördinator is apparently a part of the National Recovery Administration, although the subordination is not indicated by the order, which states that the "Administrator of the National Recovery Administration shall provide space and personnel adequate for the requirements of the work of the Coördinator."

Prison Industries Reorganization Administration. Created by the President by Executive Order No. 7194 of September 26, 1935, to investigate the industrial operations in penal institutions in all units of government, federal, state, and local; to recommend a program of projects for existing prison industries looking to the prevention of competition with private industry and labor, the elimination of idleness in penal institutions, and the development of a system of rehabilitation; and to recommend loans or grants, or both, in order to carry out the program. The Administration is governed by the Prison Industries Reorganization Board, consisting of five members appointed by the President and holding office at his pleasure. One member receives compensation at the rate of $25 a day while attending meetings; the others are paid only expenses incident to attendance at meetings.

Railroad Retirement Board. Created by the Railroad Retirement Act of 1935 (Public Act No. 399, 74th Congress), approved August 29, 1935, for the purpose of administering the act cited. The Board consists of three members appointed by the President, by and with the advice and consent of the Senate. This Board takes the place of the Railroad Retirement Board which was created by the act of June 27, 1934 (48 Stat. L., 1283), and which was discontinued by reason of the act being declared unconstitutional by the Supreme Court on May 6, 1935. The old board was reestablished for the period ending September 30, 1935, by Public Act No. 260, 74th Congress, approved August 12, 1935. The act of August 29, 1935, is designed to meet the objections of the Supreme Court to the previous act.

Railroad Retirement System Investigation Commission. Created by Railroad Retirement Act of 1935 (Public Act No. 399, 74th Congress), approved August 29, 1935, for the purpose of making "a thorough investigation of all pertinent facts relating to a retirement annuity system applicable by law to carriers by railroads engaged in interstate commerce."

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Report is to be made not later than January 1, 1936. The Commission consists of three persons appointed by the President, three members of the Senate designated by the president of the Senate, and three members of the House of Representatives designated by the speaker. The President designates the chairman and the vice-chairman, and fixes the compensation of the members appointed by him.

Social Security Board. Created by the Social Security Act (Public Act No. 271, 74th Congress), approved August 14, 1935, to administer the provisions of that act relating to old age benefits, unemployment compensation, aid to dependent children, and aid to the blind. The Board consists of three members appointed by the President by and with the advice and consent of the Senate. Administration of other grants authorized by the Social Security Act is assigned as follows: maternal and child welfare to the Children's Bureau; public health work to the Public Health Service; vocational rehabilitation to the "agency authorized to administer it" (now the Office of Education). The collection of the special taxes imposed by the act is assigned to the Commissioner of Internal Revenue.

United States Constitution Sesquicentennial Commission. Created by Public Resolution No. 53, 74th Congress, approved August 23, 1935, to prepare a plan for the sesquicentennial anniversary of the formation of the Constitution. The Commission consists of the President of the United States, the president of the Senate, the speaker of the House of Representatives, five persons appointed by the President, five senators appointed by the president of the Senate, and five Representatives appointed by the speaker. The members serve without compensation, but are reimbursed for traveling expenses. The Commission will cease to exist on December 31, 1939.

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Current Neutrality Problems—Some Precedents, an Appraisal, and a Draft Statute. The first session of the Seventy-fourth Congress saw the introduction of at least half a dozen measures dealing with the policy of the government toward belligerents in a war in which the United States is not a party. The President announced his interest in the problem,[1] and the State Department was concerned with drafting legislation which was discussed with the Senate Committee on Foreign Relations.[2] The question will undoubtedly again be before the Congress at its next session.

The question of our attitude toward the next war is one of the most critical issues in policy now facing the country. The imminence of a situation in which such legislation would have to be applied is not greater than the change in policy which underlies many of the legislative measures proposed. What underlies the apparent insistence of both the legislative and executive branches of the government that our present neutrality laws should be amended?

At least three times before—twice when we were a neutral and once when a belligerent—the issue of the application of neutrality laws has been acute. It was the first significant issue in foreign policy faced by Washington and his cabinet, and agitated American foreign relations abroad as well as domestic conditions for the twenty years between 1793 and 1813. During our Civil War, the shoe was on the other foot, and our own modifications of the existing laws of neutrality came back to plague us in the World War. It was also the period in which new concepts of the duties of neutrals were brought to international recognition in the Alabama Claims Arbitration. Finally, in the World War the issue of our neutrality was debated not only in our correspondence with the belligerents, but in the Congress during the fateful three years when we were traveling the "road to war." Now for the first time the issue of what our policy should be is being discussed in an era of peace,[2a] when the determination and announcement of that policy is less deflected by the emotional and economic interests which are always thrown into sharp relief (and often conflict) during hostilities. It is therefore an opportunity for reappraising our traditional policy and arriving at a program of action —so far as legislation can achieve it—more effective than existing legislation and traditional policy (based upon hitherto accepted rules of international law regarding so-called neutral "rights" and "duties").

[1] *New York Herald-Tribune*, May 8, 1935; *New York Times*, Aug. 13, 1935.

[2] *New York Times* (Dec. 16, 1934), 1: 6; (Dec. 18, 1934), 5: 1, 3, and 20: 5; (March 26, 1935), 11: 3; (March 27, 1935), 21: 1.

[2a] This article was written during the early summer of 1935. *Man. Ed.*

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II

Before analyzing the current programs of legislation, it may be worth while to consider certain broad issues of policy which must underlie whatever action is taken. First of all, it is well to bear in mind the alternatives so far as our position as a neutral is concerned. Three possibilities seem open: to assert our so-called neutral "rights" by the use of our armed forces to guarantee their recognition by belligerents; to abandon these rights, as we did in effect during the War, under the pressure of belligerent action (not argument),[3] and formally in our treaty with Great Britain in 1927;[4] to place ourselves in a position to bargain with the belligerents with a neutral policy likely to receive recognition and acceptance—as a price of our not going into the war on either side. It is to the third of these policies that this paper is directed.

It is perhaps worth noting, in passing, two or three aspects of the problem which have received relatively slight attention in discussions about neutral policy. These are: (1) whether the problem is primarily one of law or of policy; (2) whether the subject-matter of such legislation is primarily municipal or international in character; and (3) whether the formulation of the law (or policy) is better carried out prior to the necessity for its application.

As to whether the problem is a matter of law or policy, no extended discussion is here apposite or possible. A perusal, however, of the diplomatic correspondence and of various studies of the period of our neutrality suggests that in fact the problem, however legalistically it may be phrased in exchanges of notes between belligerents and neutrals, comes down in the last analysis to the weight of the broadsides—measured in gun calibres and not in reams of paper.[5] The Anglo-American treaty cited above (note 4) is further evidence that even in a treaty questions of policy in the sphere of neutral "rights" are recognized as paramount. Moreover, as in the last war, so in future wars is it likely that rapidly changing methods of warfare will give rise to arguments which in their legal form will often revolve around the third question suggested above. But in almost every case will it not be likely that underneath the legal discussion there will be a factor of policy as the "inarticulate major premise" of the discussion?[6] When, therefore, it is suggested that the so-

[3] Sir Edward Grey, *Twenty-Five Years* (New York, 1925), Vol. 2, p. 110.

[4] Treaty Series, No. 756. Cf. comments, 21 *Am. J. Int. Law* (1927), 542, 764.

[5] W. Millis, *The Road to War* (Boston, 1935); E. J. Clapp, *Economic Aspects of the War* (New Haven, 1915); C. H. Grattan, *Why We Fought* (New York, 1929).

[6] Cf. the notes of Jan. 19, 1915, and Jan. 29, 1915, respectively from and to Germany, concerning the non-contraband character of hydroaëroplanes under a strict interpretation of Article 8 of the Thirteenth Convention of the Second Hague Conference of Oct. 18, 1907. 9 *Am. J. Int. Law*, Special Number (Diplomatic Correspondence) (1915), 366–368.

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called international "laws of neutrality" cannot be changed by the action of one of the parties to the argument, it is not inapposite to suggest that it is not law in the formal sense but policy which is being determined, or, alternatively, that the question is primarily a matter of municipal and not of international concern.

It needs no elaborate discussion to indicate the municipal character of the question of neutrality policy. Various authorities indicate clearly the domestic character of such legislation. Fenwick, for instance, says: "Neutrality laws are thus purely domestic regulations and form no part of the body of international law. In point of comprehensiveness, they represent the extent to which the state considers it necessary to adopt penal measures to effectively prevent persons within its jurisdiction from coöperating with a belligerent in the use of its neutral territory for hostile purposes."[7] During our period of neutrality (1914–17), various discussions in Congress took place on the same issue, and there were frequent expressions of opinion that the neutrality laws of the country were purely municipal in character and might therefore be amended at the discretion of the Congress.[8]

[7] *The Neutrality Laws of the U. S.* (Washington, Carnegie Endowment, 1913), 11–12. Cf. also 42 *Yale L. J.* (1932–33), 1109, 1119–1120; L. N. Woolsey, in *Proc. Am. Soc. Int. Law* (1935), 72, 75.

[8] Cf. especially the speeches of Senators Gore, Clark, Borah, and Stone, and Norris and Sutherland (contra) on the Gore resolution (64: 1 S. Res. 14), 53 *Cong. Record* (March 1–7, 1916), 3405–12, 3463–87, 3514–19, 3598–99, 3660–64; and debates on the McLemore resolution (64: 1 H. Res. 147), 53 *Cong. Record* (March 6–7, 1916), 3634–46, 3688–3720. Cf. M. E. Curti, *Bryan and World Peace* (Northampton, 1931), 237 ff.; Millis, *op. cit.*, 72 ff. During the neutrality period (1914–17), many bills and resolutions were introduced looking toward the principles discussed below —embargoes on munitions and contraband, war-zone travel, American merchant shipping restriction to non-munitions cargoes, etc. Cf. 64: 1 H. Res. 25, 357 (embargoes), 53 *Cong. Rec.* (1915–16) 13,029, App. 934; others looked to a declaration of peace policy (cf. secs. 1–2 of the Maverick resolution below. 74: 1 H. J. Res. 259). Cf. 64: 1 H. J. Res. 170, 53 *Cong. Record* (March 6, 1916), 3638.

The question of the constitutional basis of neutrality laws (if considered municipal) need not be discussed at length. There has been relatively little analysis of the problem. Besides the power "to define and punish offenses against the laws of nations," it may, from a domestic viewpoint, be based on the war and commerce powers. As to the former, cf. speech of Sen. Gore, 53 *Cong. Record*, 3409; U. S. v. Brigantine William, opinion of J. Davis, U. S. Dist. Court, Salem, Mass. Sept. term 1808 (Worcester, 1808), 56. The case was cited as authority for congressional imposition of an embargo by Hughes in University of Illinois v. U. S., 289 U. S. (1933), 56 In the principal case, Judge Davis said: "It seems to have been admitted . . . that state necessity might justify a limited embargo on suspension of all foreign commerce; but if the Congress have power, for purposes of safety of preparation or counteraction, to suspend commercial intercourse with foreign nations, where do we find them limited as to the duration, more than as to the manner and extent, of the measure?" On several occasions in periods of foreign war, embargoes have in the

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The third question above relates to the issue of whether or not such legislation can be changed after the event—that is, after the outbreak of war. International authorities were cited in the debates, but no conclusive answer was given to the question. That it is primarily a matter of policy was clearly recognized in the debates by many of the speakers.[9] If the debates of 1914–17 are any criterion of the attitude which will be taken in the future by members of both houses, it is clear enough that the determination of a neutrality policy during peace-time is the most effective method of insuring its application in time of war. While it is not believed that the argument against changing a municipal rule of law during hostilities can be legally buttressed by any principle of long usage upon the continuance of which other states have the right to depend, still there remains the issue of policy, as to whether or not it is opportune. And of course the rule of *rebus sic stantibus* cuts both ways in the event of war: if it is alleged by the belligerents that they have a "right" to depend on the continuance of existing law and policy during war-time, it may be replied that the status of war alters the practical relationships of the parties, and thus justifies—if it does not impose—modified legal relationships.

One further question with respect to policy may be mentioned. The current legislative proposals tend to increase the obligations of the United

past been placed on exports of munitions. Cf. the acts of May 22, 1794 (1 Stat. at L. 369), June 14, 1797, and April 7, 1798 (*ibid.*, 520, 549), June 13, 1798 *re* France (*ibid.*, 565). As to the international aspect of an embargo in these circumstances, cf. C. C. Hyde, *International Law* (Boston, 1922), Vol. 2, p. 183: "A state may place a pacific embargo on the produce of its soil or the output of its factories, and that for the purpose of preserving what is detained for domestic use, or for preventing its employment in a foreign state or group of states." Cf. Moore's *Digest of International Law* (Washington, 1908), Vol. 7, pp. 148–151; C. S. Hyneman, *The First American Neutrality* (Urbana, 1935), 148, and authorities cited.

As to the commerce power as a source of constitutional authority, the attitude of the United States toward the convention of June 17, 1925, on traffic in arms is instructive. Prior to the Roosevelt administration, the constitutional incapacity of the United States under the commerce clause to regulate exports had been alleged as the reason for the failure of the United States to ratify the convention. This incapacity is apparently avoidable, for on May 29, 1934, the American delegate to the Disarmament Conference announced that the United States would ratify such a convention. Cf. U. S. State Dept. Press Releases (weekly issue no. 244, June 2, 1934), 330; U. S. Draft Treaty. The decision in Missouri v. Holland (252 U. S. 416, 1919) appears broad enough to include the application of embargoes, especially if made in conformity with an international convention. Cf. the dictum of the Court in Wisconsin v. Illinois (278 U. S. 363, 1928).

[9] Cf. the debates cited in note 8, especially the speeches of Senators McCumber and Colt at p. 3517, Clarke at pp. 3468–69, Sherman at p. 3475, and Representative Sherley at p. 3717. *Contra*, Representative Foss at p. 3716; notes of United States to Germany and to Austria-Hungary, April 21 and Aug. 12, 1915, 9 Supplement *Am. J. Int. Law* (1915), 127, 166.

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States as a neutral (more properly non-participant). This gives rise at once to the question of whether or not it is a sound policy to impose greater restrictions upon the acts of nationals than are required by current "rules" of international law. Hall's dictum that it is "unwise for a people to enact or to retain neutrality laws more severe than it believes the measure of its duty to compel"[10] may be answered in the words of Fenwick: "Such excessive legislation should not in principle increase the obligations of the neutral state from the point of view of international law so long as it is enforced in favor of both belligerents equally."[11] This question is of vital importance in the determination of our policy toward non-participation in the next war. If our legislation does in fact go beyond existing requirements of international law, we are in effect imposing restrictions upon so-called neutral (actually neutral nationals') "rights" of trade, loans, travel, and merchant shipping recognized by accepted principles of international law. As Fenwick points out, "there is some danger lest the municipal laws of a state be regarded as defining the standard according to which foreign nations may hold that state accountable for alleged breaches of neutrality," and in several instances to which he alludes, such claim has as a matter of fact been put forward.[12] It may further be suggested that even if more stringent than the rules of international law concerning "rights" and "duties" of neutrals, municipal legislation is more precise, and therefore more capable of enforcement through judicial action. Less hesitancy in prosecuting cases is found when the law is unequivocal than when the responsible officer is faced by uncertainty as to the scope and predicability of the law on which he relies. Once the municipal character and incidence of such legislation is recognized, neither the doctrine of *rebus sic stantibus* applied to it nor its enforceability as an international obligation can be successfully argued—if it is applied with substantial impartiality.

The essential issue appears to be one of substantial impartiality—at least in the legal sense. Without elaborating the point, it is clear that existing rules of neutrality do not produce actual impartiality in operation. This results from the fact that in any major war one of the belligerents is likely to have effective control of sea power and thus in fact,

[10] *International Law* (7th ed., New York and Oxford, 1917), §225, p. 654, note 1.

[11] *Op. cit.*, 12.

[12] *Ibid.*, notably in the Alabama Claims arguments. The argument of the United States was answered by Great Britain on two grounds: "first, that even on the assumption that municipal laws of that character were founded upon conceptions of international obligation, the state should still be judged by the actual law of nations and not by its conception of that law, and secondly, that the assumption was not a true one, since municipal laws, being enacted primarily to secure the interests of the state itself, may frequently prohibit, for reasons of expediency, acts not prohibited by the law of nations." (Quoted from Fenwick, 12.)

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if not in law, to succeed in excluding the other from contact with neutral markets. This results in a *de facto*, if not in a *de jure*, partiality through the acts of nationals in carrying on economic relations with one of the belligerents. Is it any less impartial to apply a rule of complete non-participation in economic relations? That this was clearly recognized in the debates during our period of neutrality in the last war needs no elaboration. The fact that we were so committed emotionally tended to obscure the clear analysis of the problem of the issue of impartiality. But clearly underlying the current proposals is the conception that it is to our national interest to remain completely out of the next war, and that to accomplish this purpose it is necessary to re-define and re-apply impartiality in terms more realistic so far as economic relations are concerned. (And it may very well be that the attempt to utilize the doctrine of *rebus sic stantibus* to prevent any shift in our policy during the period 1914–17 was in fact based upon the actual partiality which resulted from our legal arguments with the two belligerents—a partiality which was clearly in line with the emotional partiality of the more vocal groups in this country at the time.)

At present, the impartiality which is imposed on neutral governments by existing rules of international law is different from that which is imposed upon their nationals. Governments are required not to participate in sales of goods or use of territory under their jurisdiction for belligerent purposes. Such a duty, however, is not imposed upon nationals, as is illustrated by contemporary practice and by the reservation to the United States Draft Arms Traffic Control Convention of November 20, 1934.[13]

[13] Cf. the reservation to the United States Draft Statute on the Traffic in Arms of Nov. 20, 1934, in the amendments submitted by the State Department on March 2, 1935, to Articles 2 and 16. Part of the first reads: "Nothing in this convention shall be construed as an obligation . ... to permit or prevent the export or transit, in time of war, for the use of either belligerent, of arms and implements of war. Nor shall the permitting or preventing . . . be considered an unneutral act." *New York Times* (March 3, 1935), 6: 1. Cf. Pan-American Convention on Maritime Neutrality, Feb. 20, 1928 (6th Int. Conference of American States, *Final Act*, p. 157), Art. 22: "Neutral states are not obliged to prevent the export or transit at the expense of any one of the belligerents of arms," etc. Cf. Articles 15, 16. Cf. LN (1935) IX 6. p. 44, for a similar Italian reservation to the League of Nations Draft Convention, July 23, 1934. L. Oppenheim, *International Law* (New York, 1906), 1st ed., Vol. 2, §350, p. 379): "The profit derived from such supply being enormous, the members of the family of nations are not inclined to cripple the trade of their subjects by preventing it. And belligerents want to have the opportunity of replenishing with arms and ammunition if they run short of them during war. The question is merely one of the standard of public morality. If this standard rises and it becomes the conviction of the world at large that supply of arms and ammunition by subjects of neutrals is apt to lengthen wars, the rule will appear that neutrals must prevent such supply." Cf. the speeches on the Gore and McLemore resolutions cited above, note 8. For historical examples of embargoes on munitions, cf. L. H. Woolsey,

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With respect to governments, there is an affirmative or positive requirement of impartiality-in-fact by complete non-participation in traffic of any kind with either belligerent. For neutral nationals, however, no such obligations exist. Short of direct participation in active belligerent operations within their own borders, they are free to engage in propaganda and economic activities for or against one of the belligerents. Is it not clear from our experience in both periods of our neutrality that such activities all too easily involve the government in diplomatic disputes over the correctness of its own action with respect to these activities in borderline cases? The passive or negative neutrality imposed upon neutral nationals leaves wide areas open to controversy as the results of the activities of neutral nationals which in fact or by allegation affect adversely one or the other belligerent. The policy implicit in the current proposals is directed toward empowering the government to apply to the activities of nationals the same restrictions imposed by current rules of international law upon official action. As a matter of municipal law, the enactment of such a policy into law is clearly correct. As a matter of international relations, the results of such a policy would be to make the positive impartiality imposed upon neutral governments effective also as to their nationals.

III

The measures introduced at the session of Congress ended in August are segregated for the major questions of importance in the accompanying table. Bills and resolutions were introduced up to the closing days of the session. It was only during the last week that either the President or the Department of State took any active part in the formulation of policy. The original National Munitions Control Board Bill (S. 2998) was approved by the Secretary of State on June 18, 1935 (74:1, H. Rept. 1602). On August 17, Chairman McReynolds of the Committee on Foreign Affairs of the House introduced H. J. Res. 386, which was stated to have the approval of the State Department. On August 20, Senator Nye introduced a resolution which combined parts of the National Munitions Control Board Bill with parts of the House resolution. There was an important difference, however; the Senate resolution provided for mandatory embargoes in war-time only, while the House resolution authorized dis-

"The Burton Resolution on Trade in Munitions of War," 22 *Am. J. Int. Law* (1928), 610; Butler and Maccoby, *The Development of International Law* (New York, 1928), 243 ff.; Jessup and Deak, "The Development of the Law of Contraband," 47 *Polit. Sci. Quar.* (1932), 526; 48 *ibid.* (1933), 62, 333. The opposite rule still governs the practice of states (and thus becomes accepted as the standard of a "rule" of international law), as illustrated by the reservation of the United States to the Draft Statute cited above. Cf. also note of the United States to Austria-Hungary Aug. 12, 1915, 9 Supplement *Am. J. Int. Law* (1915), Special Number, 166.

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cretionary embargoes in case of war or "whenever the President finds that conditions existing in any part of the world are such that the shipment of arms, ammunition, and implements of war from the United States may involve the United States in international complications or contribute to armed conflict."

The table will indicate that there is a wide variety in the inclusiveness of the various legislative proposals. Representative Maverick's resolution (H. J. Res. 259) is the most inclusive of any of the measures introduced. It was stated in the Senate debate on August 21 that the loan problem was too complicated for inclusion in the hurried passage of the Nye resolution through the Senate.

Several aspects of these proposals may be noted. First, all the resolutions except the McReynolds, and perhaps the Ludlow, resolutions are explicitly or implicitly impartial as to exports and loans. Second, there is only one resolution (H. J. Res. 266) which attempts to define the categories of munitions which shall not be exported. The Nye resolution provides for their determination by the President in accordance with the Munitions Control Board Bill. Third, there are numerous attempts to obviate the difficulties arising from indirect trade. The Maverick, Fish, and Fenerty resolutions and the Kloeb bill in the House and the three Nye resolutions (100, 120, and August 20) all provide some phrase such as "directly or indirectly" (H. J. Res. 259, H. J. Res. 382, H. R. 7125, S. J. Res. 100, 120) or "to any neutral port for trans-shipment to or for use of a belligerent country" (Nye res., August 20) or "to any place if the ultimate destination . . . is within the territory of either belligerent or any military or naval force of either belligerent" (H. J. Res. 266). There is one precedent in the projected Forced Labor Import Bill,[14] but none of the definitions is adequate to meet the issues with regard to indirect trade which were raised during our period of neutrality in the World War. A system of inter-licensed neutral trade would go far to meet the problem, but it still requires further exploration.

Finally, there remains the question of executive discretion. As has been pointed out, it is impossible to eliminate altogether the determina-

[14] Cf. 74 *Cong. Record* (1930–31), 5672–78, H. R. 6517, the only one of several bills actually debated. This did not include the phrase "directly or indirectly," but a draft bill was prepared in which the words were inserted, without definition. It is evident that from the point of neutral trade, the question becomes important: the extension of the area and incidence of blockade, of the doctrines of contraband and continuous voyage made in the World War offer many examples of controversy over the problem between neutral and belligerent. Cf. J. W. Garner, *Prize Law During the World War* (New York, 1927). And even within the belligerent countries British goods reached German hands in substantial quantities, and there were no doubt other "leakages." Cf. Consett and Daniel, *The Triumph of Unarmed Forces* (New York, 1923), Chap. 11; Engelbrecht and Hanighen, *Merchants of Death* (New York, 1934), 163 ff.

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COMPARISON OF NEUTRALITY MEASURES INTRODUCED AT 74TH CONGRESS, 1st SESSION
(References to sections of bills and resolutions)

		Applicability to War	Applicability to Armed Conflict	Embargo of Munitions	Embargo of Other Articles	Loans	Credits	Contracts	Travel of Belligerents War Zones	Travel of Belligerents Belligerents at own risk	U.S. Shipping and carriage of Munitions	U.S. Shipping and carriage of Contraband	Use of American Ports Fitting out Submarines	Use of American Ports Armed Merchant Vessels	Use of American Flag
HOUSE															
April 6	H. J. Res. 239[(i)]* (Maverick)														
April 24	H. J. Res. 259 (Maverick)	3(a)	3(a)	6(a)	6(a)[(ii)]	4	4	4	8		6(d)	6(d)		6(b)[(iii)]	6(c)
April 29	H. J. Res. 266 (Fish)	2													
April 29	H. J. Res. 267[(iv)] (Fish)		1	1(cf.2)											
Aug. 16	H. J. Res. 382 (Fenerty)	1	2+6	1	(v)	5	5		7						
Mar. 29	H. R. 7125 (Kloeb)		1			1	1								
April 17	H. R. 7572 (Ludlow)	1									1	1			
July 29	H. R. 8979 (Tinkham)		6	Essentially a Munitions Control Board Bill											
SENATE															
April 9	S. J. Res. 99 (Nye, Clark)	1							1						
April 9	S. J. Res. 100 (Nye, Clark)	1	2			1	1								
April 15	S. J. Res. 103 (Borah)[(vi)]														
May 7	S. J. Res. 120 (Nye, Clark)	1	2/3	1	4[(vii)]										
JOINT															
May 13	S. R. 2998 (Pope, etc.)														
July 9	H. R. 8788 (McReynolds)[(viii)]														
Aug. 17	H. J. Res. 386 (McReynolds)	1	1[(ix)]	1		6				7	2		5		4
Aug. 2	S. Res. (Nye)	1								5	3		5		

* See explanatory notes on p. 1031.

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tion of fact in such matters as the areas of war zones, the date of coming into operation of various sections of the legislation, etc. None of the proposed measures succeeds in eliminating entirely presidential discretion; Representative Maverick's resolution is the most "automatic" in its operation (only the regulation of passports is left to executive rule-making). The "hot oil" and Schechter decisions[15] suggest the necessity of precision in the area of executive discretion. Moreover, the essential differ-

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EXPLANATORY NOTES

(i) Superseded by H. J. Res. 259.
(ii) "Any article declared to be contraband."
(iii) Applies also to armed aircraft.
(iv) A proposal for a multilateral agreement renouncing the sale of arms, etc., in accordance with the intended purpose of the Kellogg-Briand Pact, but with a reservation that it shall not be construed to interfere with "the sale or shipment of foodstuffs, cotton, wool, oil, coal, lumber, copper, automobiles, or other manufactured articles not commonly or commercially known as arms, munitions, or implements of war."
(v) In these resolutions, the export of conditional or unconditional contraband is to be solely at the risk of the "exporter or foreign government or national of the foreign government." No title is to remain in the American exporter, and insurance contracts are declared to be unenforceable in American courts. This section applies only in case of war.
(vi) A resolution placing an embargo on all loans and credit to any government or the national of any government except to governments on the American continent.
(vii) "Or any other article or articles which the United States declares to be war material." Categories of munitions are included and contracts are to be unenforceable.
(viii) Cf. 74:1, H. Rept. 1602. "The bill contains nothing which would appear to be likely to be the subject of serious controversy. It involves no question of arms embargo or of neutrality policy. It merely sets up adequate administrative machinery for dealing with the restrictions on the exportation of arms now in effect under the joint resolutions of Congress of January 31, 1922, and May 28, 1934, the restrictions which this government will be obligated to adopt when the Arms Traffic Convention of 1925 becomes effective, the restrictions which become obligatory if the more far-reaching convention on the same subject now under negotiation in Geneva is concluded, and such other restrictions on the exportation of arms as Congress may in the future enact."
(ix) The application of the resolution in cases of armed conflict is only to munitions and loans, but cf. sections 5 and 7 where presidential discretion is authorized "to maintain peace between the United States and foreign nations, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States" with respect to the exclusion of submarines or travel of nationals on belligerent vessels.

[15] Panama Refining Co. v. Ryan, 293 U. S. 388 (1935); Schechter Poultry Co. v. United States, 295 U.S. 495 (1935).

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ence between the McReynolds and Nye resolutions indicates the fundamental cleavage on policy which exists in American thought. Executive discretion would permit the application of an embargo against only one belligerent. The opposite policy is more strictly in conformity with effective non-participation in war or armed conflict—until a clear-cut international definition of aggression and agreement upon sanctions is accepted.

IV

The current proposals have in many cases interesting precedents. It is proposed to indicate these under each of four major heads, and finally to suggest a draft statute embodying the measures which may be drawn from these precedents.

Without reviewing the historical evolution of our neutrality legislation, it is perhaps enough to point out that no fundamental changes in its scope or content have been made since 1838. The basic acts of 1794 and 1817–18 in fact include practically all operative provisions except those concerning improvements in administrative enforcement contained in the act of 1838. Hall's dictum upon the influence of the United States policy in 1793 may be cited to indicate the significance of American action in the early period.[16] The fact, however, that our present neutrality statutes are the product of conditions many of which have altered fundamentally since the policy underlying them was drafted suggests the importance of reviewing their efficacy in meeting the practical issues arising in modern warfare. Neutral "rights" and "duties" derived from a period of sailing ships, small carrying capacity, clearly defined articles and places of belligerent use and operation, hardly meet the conditions resulting from the use of ocean liners and submarines, the concept of the nation-at-war, or the development in the intricacies of modern economic relations.

The following discussion will be confined to four principal topics: (1) control of exports of munitions and contraband; (2) control of loans and credits; (3) prohibition of travel in war zones; and (4) limitation of the use of American merchant vessels in belligerent carrying trade.

Control of Exports of Munitions and Contraband. The early statutes provided no definite statement with regard to this subject-matter, and

[16] "The policy of the United States in 1793 constitutes an epoch in the development of the usages of neutrality. There can be no doubt that it was intended and believed to give effect to the obligations then incumbent upon the neutrals. But it represented by far the most advanced existing opinions as to what those obligations were; and in some points it even went further than authoritative international custom has up to the present time advanced. In the main, however, it is identical with the standard of conduct which is now adopted by the community of nations." *Op. cit.*, 632.

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the early presidents and secretaries of state emphasized the legal right of neutral nationals to trade in these products.[17] The first, and indeed the only, effort to apply a general embargo to exports was made as a retaliatory measure against the belligerent policies of Great Britain and France in the Napoleonic period. The Embargo and Non-Intercourse Acts passed between 1807 and 1810 were designed to utilize the weapon of embargo to secure the recognition of neutral rights. The history of their operation need not be gone into here.[18] The Embargo Acts provided for a total cessation of export to the territories of the belligerents and to territories subject to their jurisdiction. The Non-Intercourse Act attempted to apply a system not unlike that of a single embargo today by opening to American export trade the ports of those belligerents which recognized American claims to the principle of "free ships, free goods." Despite the relative inadequacy of federal enforcement machinery and the lack of cooperation on the part of some governors, there is considerable evidence that the Embargo Acts were effectively applied in limiting, if not in eliminating, exports to the belligerents.[19]

The act of March 10, 1838, provided specifically (sec. 2) that "nothing in this act . . . shall be construed to extend to or interfere with any trade in arms or munitions of war conducted in vessels of sea with any foreign port or place whatsoever or with any other trade which might have been lawfully carried on before the passage of this act under the law of nations. . . ."[20]

There is an interesting provision in the abortive act of 1866 which was intended to liberalize the existing neutrality legislation. Section 10 included substantially the same provisions as in the act of 1838, with the following proviso: "That the operation of this section of this act shall be suspended by the President with regard to any classes or purchases whenever or wherever the maintenance of friendly relations with any foreign nation may in his judgment require it."[21] This is, so far as known, the first proposal for conferring presidential discretion in the application of an embargo.

The legislation of 1912 and 1922 regarding embargoes on shipments of munitions to the Far East and Latin America, respectively, are well known.[22] During the war, however, various resolutions were introduced to

[17] C. Savage, *Policy of the United States Toward Maritime Commerce in War Time, 1776–1914* (Washington, U. S. Department of State, 1934).

[18] W. W. Jennings, *The American Embargo, 1807–1809* (Iowa City, 1921); L. M. Sears, *Jefferson and the Embargo* (Durham, N. C., 1927).

[19] Cf. Sears, *op. cit.*, 285, 319–320; W. F. Galpin, "The American Grain Trade Under the Embargo of 1808," 2 *J. Econ. and Business Hist.* (1929–30), 71, 99–100.

[20] 5 *Stat. at L.* 212 (quoted from Fenwick, 179); cf. note 2 above.

[21] Fenwick, 50.

[22] The joint resolution of March 14, 1912, applying only to American countries,

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bring about embargoes.[23] None of these came to discussion, and it was not until 1927 that a general application of the embargo principle was considered. Since that time the various resolutions which have been introduced represent attempts to reconcile American interest in the Treaty of Paris of 1928 and in the general effort to prevent war through coöperation among governments against the aggressor. These resolutions have proceeded on two broad principles: first, that violators of the Treaty of Paris should be subjected to economic sanctions; and second, that this principle, already embedded in American law by the legislation of 1912 and 1922, should be made applicable to any part of the world even in the absence of international coöperation.[24]

The resolutions vary in detail; certain ones[25] specified those articles which shall be embargoed, while others left determination of the categories to the President.[26] All agreed on presidential determination of the application of the embargo to executive discretion. A number attempted to apply the principle of a single embargo to the aggressor, but without exception these resolutions were pigeonholed or amended in committee to operate impartially against both belligerents.[27]

It may be taken as clear today that the principle of a double embargo, applied impartially to both belligerents, is the only basis on which such legislation will be acceptable to the Congress. This principle may well prove a sound one at the present stage of the development of international agreement upon the definition of the aggressor, or of commitments for coöperation in the application of sanctions.

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was incorporated in the act of January 31, 1922 (42 *Stat. at L.* 361), which applied to any country in which the United States exercises extraterritorial jurisdiction. Cf. the joint resolution of April 22, 1898, as to export of coal or other material used in war (Woolsey, *op. cit.*, note 13). Cf. the joint resolution of March 28, 1934 (48 *Stat. at L.* 811).

[23] Perhaps the most comprehensive was 64:1 H. Res. 25, 53 *Cong. Record* (1916), App. 934. A "grass roots" representative introduced an embargo resolution "to end the war in 30 days" by prohibiting exports of foodstuffs. Cf. speech of Senator Hitchcock, 63; 3 52 *Cong. Record* (1914–15), 3937–39, S. Res. 488, S. 6688.

[24] For a recital and analysis of the resolutions introduced between 1927 and 1931, cf. Rich and Myers, *Draft Syllabus for the Study of the Implementation of the Pact of Paris* (Boston, 1931). Cf. also Briggs and Buell, "American Neutrality in a Future War," 11 *Foreign Policy Reports* (1935–36), 26, 31–32; J. P. Chamberlain, "The Embargo Resolutions of Neutrality," *International Conciliation* (1929), No. 259.

[25] Burton, Korell, Fish resolutions.

[26] Capper, Porter resolutions.

[27] The most recent resolution, 73:1, H. J. Res. 93, has had a similar history; cf. Briggs and Buell, *op. cit.*, note 24. For reasons which resulted in the amendment by the Senate of the House resolution to apply the embargo impartially instead of against the aggressor, cf. 73:1, H. J. Res. 93, Hearings, H. R. Com. on Foreign Affairs (Washington, 1933); House Report, No. 22; Senate Report 101; 77 *Cong. Record* (1933), 1670–1702, 1850; 73:2, 78 *Cong. Rec.* (1934), 3390.

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There are, however, various problems to be faced with respect to limitations upon trade. How shall contraband be defined? Shall all trade in contraband be prohibited to American citizens? Shall trade in contraband at the owner's risk be allowed? Are there alternatives to trade with belligerents which offer a satisfactory solution of the neutrals' problem of keeping alive some degree at least of innocent international trade during war-time?

These questions will be answered differently depending on whether the emphasis is upon profits from belligerent orders to private individuals or upon the risk of political involvement in controversy with belligerents who have invaded the so-called neutral "right" to trade with belligerents. Again, they will be answered differently depending on whether one is sanguine that effective enforcement machinery against smuggling can be devised and operated. Various suggestions have been made. The resolutions provide that trade in contraband shall be at the owner's risk. Mr. Charles Warren has suggested two possible solutions, either of which offers some hope that a degree of innocent neutral trade can be kept alive except in the most general of wars. The first of these is that a system of quotas for particular articles should be applied to trade with any particular country from which trans-shipment to a belligerent is likely. The second is that a system of licenses might be developed between neutrals which would become guarantees of good faith against trans-shipping such goods to belligerents.[28]

If the experience during our period of neutrality in the Great War is any guide to the future, it is unlikely that a legislative proposal for trade at the owner's risk (and the same is true for travel) would survive such incidents as the sinking of the *Lusitania*. If the purpose of redrafting our neutrality policy is to eliminate as far as possible situations out of which gradual involvement and commitment toward a war status are to be avoided, then it would be more efficacious to explore the possibilities in a system of licensed inter-neutral trade and a system of quotas for particular goods likely to be used by belligerents.

The prohibition of the export of munitions alone is clearly not enough, even when broadly specified, as in the categories of the resolutions cited or of the Pope munition control board bill. The fate of pre-war contraband classifications—which resulted from the changed conditions and techniques of war—is sufficient evidence that much more than mere arms embargoes are necessary to make effective non-participation in the waging of war by belligerents.[29] As the Maverick resolution provides, it would be

[28] C. Warren, "Contraband and Neutral Trade," *Proceedings Acad. Polit. Sci.* (1935), 61.

[29] Garner, *op. cit.*, Chaps. 13–14. The interest in restatement of the laws of neutrality is perennial: cf. 70:1 S. Res. 157, introduced by Senator Borah in 1928 in

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possible to exclude all trade with belligerents in such articles as one (or, better, either) declared to be contraband or liable to confiscation. Such a trade policy toward belligerents, coupled with a system of inter-neutral licensed trade, would, it is believed, result in retaining the greatest possible amount of foreign trade compatible with complete non-participation in the prosecution of war.

Control of Loans and Credits. What has been said with regard to trade can with equal emphasis be said with respect to loans and credits. Since money is clearly an article of commerce, and since the processes of financing a war are perhaps the most flexible and elusive aspects of economic foreign relations, there is every reason for making the prohibition precise and comprehensive. Loans and credits issued to third parties, themselves neutrals, can all too easily flow across the borders of a belligerent. It is perhaps unnecessary to exclude all foreign loans and credits to other neutrals during war-time—if the prohibition on belligerent loans and credits is coupled with a system of control over neutral trade as suggested above. Representative Kloeb's bill (H. R. 7125), as it is unaccompanied by any control over trade, leaves open the door to the negation of its purpose of preventing our involvement in belligerent activities. The possibility that loans and credits, in the first instance entirely innocent, ultimately turn out to be effectively aiding one belligerent as against another, is all too clearly illustrated in the period 1914–17. Complete impartiality cannot be achieved if indirect aid is furnished to the export of American products—munitions or contraband—to one of the belligerents.[30]

Prohibition of Travel in War Zones. The history of the efforts to control travel of American citizens abroad during the World War is an interesting one. The Gore-McLemore resolutions of 1916 were the only neutrality provisions which received extended debate. As has been shown (note 8), the issue was, as a matter of fact, obscured by the question of whether the passage of the resolutions would "tie the hands of the President" in his negotiations with Germany over the loss of American lives at sea.

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favor of such a restatement; E. M. Borchard, in 22 *Am. J. Int. Law* (1928), 614. International efforts to limit the traffic in munitions are represented by the Convention of St. Germain of September 10, 1919, and the Geneva Convention of June 17, 1925. American participation in these efforts is at present more positive; cf. notes 8, 13.

[30] The first specific application of the idea of prohibiting loans by neutrals to belligerents seems to have been made as to Japan and China in 1894, at the Universal Peace Congress of that year, although war loans had been condemned by the peace group since 1849. M. E. Curti, *op. cit.*, 141, note 95. On August 15, 1914, the Secretary of State communicated to J. P. Morgan and Co. an opinion that loans to a belligerent were inconsistent with the true spirit of neutrality; cf. *Foreign Relations*, 1914, Supplement, 580. But loans were later issued without interposition of the government; cf. Curti, *op. cit.*, 193.

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The debates, however, give frequent evidence that the principle, which has been discussed above, that the question is primarily one of domestic legislation, was well understood and very generally accepted. Even so good a nationalist as Senator Borah recognized this point with respect to travel in war zones (although he denied it with respect to embargoes on trade). It is interesting to note, too, that many of the members in both houses expressed themselves as in favor of the right of the government to pass such legislation even after the beginning of the war—on the principle that the matter was primarily of domestic and not of international concern.[31]

At various times, the executive department has warned American citizens residing in areas of local conflict and suggested their withdrawal.[32] There would seem to be, therefore, no doubt that control over the travel of Americans during war-time, for whatever purpose, is subject to legislative (if indeed not executive) determination.

Limitation of the Use of American Merchant Vessels in Belligerent Carrying Trade. The control of the use of American shipping in war-time would seem to be similar to control over exports or over travel of nationals in war zones. The controversy over armed merchantmen in our diplomatic correspondence and in the debates on the Gore-McLemore resolutions should be convincing evidence that a system of arming American merchant vessels, in order to make them capable of participating in belligerent traffic, is illusory. Two other possibilities are available: a system of convoys (an ancient practice in neutral belligerent relations); the nationalization of the merchant marine in wartime (with the possible, but unlikely, result of exempting it from visit and search). The first is obviously a policy not likely to result in our non-involvement in the war. The second is one not acceptable to private owners and operators, and is likely to lead to protracted legal disputes as to the applicability of the rules of international law concerning transfers to such a policy on the part of a neutral.[33]

[31] Cf. note 9 above. For a similar question in Dutch neutral diplomacy in the World War, cf. A. Vandenbosch, *The Neutrality of the Netherlands During the World War* (Grand Rapids, 1927), 313 ff.

[32] Considerable effort was made on the outbreak of the World War to limit travel of Americans abroad; cf. 9 Suppl. *Am. J. Int. Law* (1915), Special Number 376 ff. A statement was issued on October 4, 1915, that passports would not be granted for travel in belligerent countries "merely for pleasure, recreation, touring, or sightseeing" (quoted in 53 *Cong. Record* (March 2, 1916, p. 3409). For other warnings issued officially regarding residence in areas of domestic conflict or threatened war, cf. *Foreign Relations of the United States* (1914), 477, 668 ff. (Mexico); *New York Times* (July 7, 1935), 1:1 (Ethiopia).

[33] Cf. Vandenbosch, *op. cit.*, 112 ff. The Netherlands government was the only one which rigidly excluded armed merchantmen from its ports as "assimilated" to war ships; cf. the Declaration of Neutrality of Aug. 5, 1914, quoted in Vanden-

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The provision in the Maverick and McReynolds resolutions excluding from American ports the vessels of those belligerents which have utilized the American flag as a cover is an additional sanction against illegitimate commerce.

There are various foreign precedents, historical and contemporary, which support different aspects of this legislation. Aside from our own effort in the period 1807–10, the history of the Armed Neutrality of 1780 is instructive with regard to a possible system of embargoes.[34] Furthermore, during the eighteenth century a number of the Italian states, and during the nineteenth century various other states, placed embargoes on exports of contraband in an effort to prevent involvement in the war.[35] By 1933, Belgium, Canada, Denmark, France, Germany, Great Britain, Italy, Spain, the Netherlands, and the U.S.S.R. had conferred on their executive departments the power to embargo munitions to one or both belligerents.[36]

V

The question may well be raised of whether or not such a program as this involves an abandonment of American willingness to coöperate in a system of sanctions against an aggressor state and a return to isolation. It is not relevant here to argue the merits of such a policy or to discuss the question of the effectiveness of existing methods and forms of international coöperation. It is perhaps sufficient to point out that a program of double embargo can, with relatively little difficulty, be integrated in a system of international coöperation. Incorporation in neutrality legislation of a proviso that, upon ratification of a conventional agreement upon definition of the aggressor and for concerted application of sanctions, the President was authorized to apply the legislation in conformity with the agreement would make its utilization in a system of coöperative action possible. And it would effectively preserve American determination of the method and scope of coöperation and provide a complete reservation of every element of sovereignty which the most complete nationalist might desire. At the same time, it does not eliminate the pursuit of a policy of non-participation in a future war based on a positive rather than a nega-

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bosch, 318. For the American position, cf. 9, 10, 11, Suppl. *Am. J. Int. Law* (1915–17), Special Numbers, passim. Cf. also Garner, *op. cit.*, 398 ff. Cf. Pan American Convention on Maritime Neutrality (note 2 above), Art. 12, sec. 3, which assimilates armed merchantmen in neutral ports to armed vessels as to stay, supplies, etc. The United States reserved this point on signature.

[34] Cf. J. B. Scott, *The Armed Neutralities of 1780 and 1800* (New York, Oxford. 1918).

[35] Butler and Maccoby, and Woolsey, *op. cit.*, note 13.

[36] 42 *Yale L. J.* (1932–33), 1119, note 52.

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tive conception of impartiality between belligerents.[37] The definition of neutral "rights" in terms of municipal obligation rather than international customary law would, as has been suggested, eliminate their long-drawn-out, and often inconclusive, diplomatic discussion and provide an adequate basis for affirmative action by the government.[38]

VI

The final action of Congress on August 23, 1935, was a compromise of the conflicting attitudes discussed in this paper. The resolution (S. J. 173) as passed creates a National Munitions Control Board (Sec. 2), consisting of the Secretaries of State (chairman), Treasury, War, Navy, and Commerce, with the power to register and license all persons engaged in manufacturing, dealing in, exporting, or importing "arms, ammunition, or implements of war." Exporting or importing by or from unlicensed persons is prohibited, and an annual report of the activities of the Board, to include "information and data . . . considered of value in the determination of questions connected with the control of trade in arms," etc., is to be made to Congress.

By Section 1 of the resolution, "upon the outbreak or during progress of war" the President "shall proclaim such fact" and it then becomes unlawful to export such arms, ammunition, or implements of war as he shall enumerate. By Section 3, American vessels are forbidden to transport such materials to any belligerent port or to "any neutral port for transshipment to, or for the use of, a belligerent country;" in cases of doubt as to the activities of any vessel, domestic or foreign, sureties of good faith may be required which, if broken, subject the vessel to further non-clearance from American ports (Sec. 4). Belligerent submarines may be excluded from American ports (Sec. 5), and American citizens prohibited from travelling on belligerent vessels except at their own risk (Sec. 6).

It is notable that the matter of loans was altogether omitted, and that a variety of other matters which were urged by various proponents of neutrality legislation were lost sight of in the jam of the closing days of the session. The disputed question of mandatory as against discretionary legislation was decided in favor of the congressional preference for a mandatory bill. The compromise resolution finally received reluctant

[37] For a different view, cf. Q. Wright, *The United States and Neutrality* (Chicago, 1935), passim.

[38] Cf. Vandenbosch, *op. cit.*, 311–312; the Russian treaties of non-aggression are interesting in this respect also; cf. M. W. Graham, "The Soviet Security System," 23 *Am. J. Int. Law* (1929), 336; also, by the same author, *International Conciliation* (1929), No. 252. For a general summary of Mr. Warren's position, cf. his "Troubles of a Neutral," 12 *Foreign Affairs* (1933–34), 377.

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presidential sanction;[39] a time limit (Feb. 29, 1936) was imposed. There remains before congressional leaders at the next session the task of drafting a definitive statute embodying a comprehensive and effective neutrality policy.

It is suggested that the following points represent a minimum basis for articulating a policy of absolute impartiality and non-participation:

1. *Substantive matters*
   (a) Embargo on all shipments of munitions (as defined in the United States Draft Statute of November 20, 1934).
   (b) Embargo on such other materials as are declared contraband by either belligerent so far as direct export is concerned.
   (c) Embargo on all loans and credits to belligerents.
   (d) Absolute prohibition (through withholding passports) of travel by American nationals on any vessels in war zones as defined by the belligerents or extended by the President.
   (e) Prohibition of the carriage of munitions by American vessels and restrictions on carriage of contraband to such countries as remain neutral on the same terms as the United States (a system of inter-neutral licensed trade to be proposed by the United States).
   (f) Assimilation of armed merchant vessels to public armed vessels as to use of American ports. This provision would, it is believed, be sufficient without specific mention of submarines. The clauses applying to submarines in the proposed statutes are, however, a recognition of the changed technology of warfare. A provision regarding the fraudulent use of the American flag would serve as an additional sanction for the observance of our neutrality policy by belligerents.

2. *Operative and procedural questions*
   (a) All restrictions to apply to armed conflict as well as to war (the wording of H. J. Res. 386, "to maintain peace between the United States and foreign nations or to protect the commercial interests in the United States and its citizens or to promote the security of the United States" might well be added).
   (b) The legislation should be as nearly "automatic" and mandatory as possible. Definitions of the date of coming into force (for instance, for defining armed conflict in terms of President Roosevelt's definition of May 16, 1933) of the application of the penalties, etc., should be stated clearly in the legislation.

[39] Cf. President Roosevelt's statement upon signing the bill, *New York Times*, Sept. 1, 1935, 1:3.

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The President should have discretion to extend the application of the various provisions to new conditions as they arise.

(c) Contracts should be made unenforceable in American courts.

(d) Travel of shipments of goods at the individual's or owner's risk should not be allowed: this might easily prove—if the experience of 1914–17 is repeated—the entering wedge for diplomatic and psychological dilution of policy.

(e) Some formula for reaching indirect as well as direct shipments should be included. The later reservations analyzed above include a variety of such provisions. Perhaps the best is that already noted in H. J. Res. 266, "to the territory of either belligerent or to any place as the ultimate destination . . . is within the territory of either belligerent, etc." A system of interlicensed neutral trade and such guarantees as were provided by the Dutch Overseas Trust or sanctions of the "blacklist legislation" of Great Britain would prove effective.

(f) Penalty clauses should be assimilated to existing legislation. Useful analogies or indeed drafts for such legislation can be found in the Espionage Act of June 15, 1917 (40 *Stat. at L*, Part 1, p. 221). Public No. 24, Titles, II, V, VI, VIII, and *Code of Laws of the U. S.* (44 *Stat. at L.*, Part 1, Title 50, p. 1700). Chaps. 12, 13, Sections 191–4, 216, 220, 224–26.

(g) Definitions of all words used, such as "state," "aggressor state," "armed conflict," "party to the dispute," should be included. There should also be included a separability clause.

(h) A section dealing with the application of the double embargo to a system of sanctions when accepted by the United States should be included. It might be worded as follows: "Upon ratification by the United States of a treaty providing for concerted action against an aggressor state, the President is authorized to modify the application of this act to make effective the coöperation of the United States in such concerted action."

A comparison of the measures analyzed above indicates that Representative Maverick's resolution most closely approximates these suggestions.

PHILLIPS BRADLEY,

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

The committee to nominate officers of the American Political Science Association for the year 1936 is composed as follows: Clarence E. Berdahl (chairman), University of Illinois; James K. Pollock, University of Michigan; Charles Fairman, Williams College; James E. Pate, College of William and Mary; Francis G. Wilson, University of Washington.

The American Council of Learned Societies has received a substantial grant of funds to be used in aid of the publication of scholarly books and monographs during the year 1936. Persons interested in submitting writings for consideration of the jury of award should address inquiries to Dr. Donald Goodchild at the Council's executive offices, 907 Fifteenth St., Washington, D.C. Applications for grants must be received on or before March 1, 1936, and will be acted upon in the following May. They must include descriptions and critical appraisals of the works proposed, together with full manufacturing specifications and estimates of cost. A work will not be considered unless the manuscript is available for examination in completed form. The subcommittee on publications of the Committee on Policy of the American Political Science Association stands ready to assist in obtaining consideration of works in political science. The chairman of this subcommittee is Professor Amry Vandenbosch of the University of Kentucky.

Professor Clarence A. Berdahl has been made chairman of the newly created division of social sciences at the University of Illinois.

Professor Marshall E. Dimock, of the University of Chicago, is spending the fall quarter in the Pacific coast states, where he is making a survey of the Colorado River Compact and developments incident thereto for the National Resources Committee.

Professor James K. Pollock, of the University of Michigan, has been appointed by Governor Fitzgerald chairman of a commission to investigate the civil service of Michigan and to draft a civil service law. Dr. Lent D. Upson, of the Detroit Bureau of Government Research, is another member of the commission.

Dr. Stanley K. Hornbeck, chief of the Division of Far Eastern Affairs of the United States Department of State, and Professor Charles E. Hill, of George Washington University, represented the American Political Science Association at the Second General Assembly of the Pan-American

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Institute of Geography and History, held in Washington, D.C., October 14–19.

Dr. Luther Gulick, professor of municipal science and administration at Columbia University, has been selected by the New York State Board of Regents to direct a survey of educational problems and practices in New York State. The inquiry will deal with finances, school district organization, teaching personnel, federal aid, the workings of the state department of education, and various other matters.

Professor Walter R. Sharp, of the University of Wisconsin, is a member of the Social Science Research Council's committee on social science personnel, and Professor Lane W. Lancaster, of the University of Nebraska, of the committee on grants-in-aid.

Professor Milton Conover, of Yale University, is spending the academic year at the Institut d'Urbanism at the Sorbonne, where he is engaged upon studies of urbanism in France and of certain topics in the field of public administration.

Dr. Harold M. Dorr has been promoted to an assistant professorship at the University of Michigan.

Mr. Leon H. Ellis has been appointed acting assistant professor in the department of political science at the University of Washington for the fall term. He is taking the place of Professor Linden A. Mander, at present on leave of absence in Des Moines, Iowa, where he is participating in the adult education work which is carried on in that city. Mr. Ellis will resume his work as professor of political science at Whitman College at the beginning of the second semester.

Mr. Edmond F. Spellancy has been appointed temporary lecturer in political science at the University of Washington for the year 1935–36. He is taking over the work of Professor Joseph P. Harris, now associated with the Social Science Research Council. Mr. Spellancy has also assumed the post of director of the bureau of government research at the University of Washington.

Professor John F. Sly, of the University of West Virginia, has been appointed lecturer in political science at Princeton University.

Mr. Harvey F. Pinney has been promoted to an instructorship in government at the Washington Square College, New York University.

Miss Dorothy Schaffter is on leave from Vassar College during the current academic year and is serving in Washington as administrative aide to the assistant executive director of the National Youth Administration.

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Mr. Donald DuShane has resigned an instructorship at Columbia University to accept an assistant professorship in political science at Lawrence College.

After a year spent in research in Italy, Mr. G. Lowell Field has been appointed instructor in political science at Columbia University.

Dr. Carl B. Swisher, author of a recently published biography of Roger B. Taney and lately a specialist in the Resettlement Administration, has resigned his lectureship at Columbia University to accept a position as special assistant to the Attorney-General of the United States.

Dr. Dale A. Hartman, of the London School of Economics and Political Science, is visiting assistant professor of government at Washington Square College, New York University, during the present academic year. Professor Hartman is teaching courses in government and public administration during the absence of Dr. Roy V. Peel, who went abroad a year ago to conduct a survey of public administration in the Scandinavian countries.

Dr. Wallace S. Sayre has been promoted to an assistant professorship at Washington Square College, New York University, and has also lately been made a member of the legislative committee of the Citizens' Union and of the editorial board of the *New York Legislative Service*, a weekly publication dealing with the activities of the New York legislature.

Dr. W. Warner Moss, recently promoted to an assistant professorship at Washington Square College, New York University, is for the current year in charge of the work of Professor R. K. Gooch of the University of Virginia, now on leave.

Dr. Alden F. Powell, instructor in political science at the University of Illinois in 1934–35, is now serving in a similar capacity at the Louisiana State University.

Mr. John C. Russell, formerly instructor at Stanford University, has been appointed instructor in the political science department of the School of Citizenship and Public Affairs at Syracuse University.

Mr. Roy A. Price, former head of the social science department of the Quincy, Massachusetts, high schools, has been appointed instructor in the teaching of social studies at Syracuse University, under the direction of the School of Citizenship and Public Affairs and the School of Education.

Mr. Evron M. Kirkpatrick, who did his graduate work at Illinois and Yale, is an instructor in political science at the University of Minnesota,

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where he is giving a course on the constitutional development of the United States and handling tutorial groups in American government.

Dr. H. Schuyler Foster, Jr., of the department of political science, Ohio State University, has been granted leave of absence for one year to do research, teaching, and tutorial work at Harvard University.

Mr. Clifford E. Garwick and Dr. Benjamin Ziegler have been appointed instructors in political science at Ohio State University.

Dr. Pressly S. Sikes, of the department of political science at Indiana University, is engaged in preparing a classification of public employees for the state of Indiana.

In its issue of November 2, the *Saturday Review of Literature* announced an award of the John Anisfield prize of $1,000 to Professor Harold F. Gosnell, of the University of Chicago, for his book, *Negro Politicians; The Rise of Negro Politics in Chicago*, published by the University of Chicago Press. The volume will be reviewed in the next issue of this REVIEW.

At Princeton University, Professor William S. Carpenter has succeeded Professor Edward S. Corwin as chairman of the department of politics. Professor Corwin, one of the group of preceptors brought to Princeton in 1905 by Woodrow Wilson, has occupied the McCormick chair of jurisprudence since 1918 and has served as chairman of the department of politics since the division of the former department of history and politics in 1924. Professor Carpenter taught for some years at the University of Wisconsin and has been a member of the Princeton faculty since 1920.

With the aid of a grant from the Rockefeller Foundation, the graduate course in public administration in the School of Citizenship and Public Affairs at Syracuse University has been extended from a one-year to a two-year course. The course is under the direction of Professor William E. Mosher, and this year has an enrollment of thirteen men, who have been recruited from various sections of the United States.

The general subject for discussion at the fifty-fifth annual meeting of the Academy of Political Science on November 14 was "The Constitution and Social Progress: Are Constitutional Changes Necessary?" Among those who took part in the program were Professors John Dickinson, at present assistant attorney-general of the United States, William Y. Elliott of Harvard University, and Howard L. McBain of Columbia University; Dr. E. G. Nourse, of the Brookings Institution; Secretary Henry A. Wallace; ex-Governor Joseph B. Ely of Massachusetts; former Budget Director Lewis W. Douglas; and President William Green of the American Federation of Labor.

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The Fifth Annual Forum on Current Problems, sponsored by the *New York Herald-Tribune*, was held at the Waldorf-Astoria Hotel on October 15–17. Among those who delivered addresses were Professor Philip C. Jessup of Columbia University, who spoke on "Can the United States Remain Neutral?"; Professor Harwood L. Childs of Princeton University, on "The Science of Propaganda"; President Harold W. Dodds of Princeton University, on "The American Philosophy of Government"; Professor William Y. Elliott of Harvard University, on "The Italian Fascist Philosophy of Government"; Professor Bruce Hopper, of Harvard, on "The Russian Communist Philosophy of Government"; Professor James T. Shotwell of Columbia University, on "National Governments and International Organizations"; and Professor Frederick L. Schuman of the University of Chicago, on "National Socialism."

The Social Science Research Council has established eight pre-doctoral fellowships for graduate study. These fellowships provide one thousand dollars and tuition charges and are designed to aid exceptionally promising students of the social sciences to obtain research training beginning with the first year of graduate study. Fellows are required to devote their full time to graduate study, in some other institution than that in which they received their undergraduate training. The fellowships will be offered again for the academic year 1936–37. The closing date for the receipt of applications, on blanks to be secured from the Fellowship Secretary, is March 15, 1936. Inquiries should be addressed to the Social Science Research Council, 230 Park Avenue, New York City. Each candidate must submit a letter from the chairman of the department in which he has pursued his major undergraduate study, in support of his application, before blanks will be sent to him.

"The Constitution in the Twentieth Century" will be the title of the next *You and Your Government* radio series, over a nation-wide National Broadcasting Company network, as well as the title of the May issue of *The Annals of the American Academy of Political and Social Science*. This means that the Academy will coöperate with the Committee on Civic Education by Radio, representing the American Political Science Association and the National Advisory Council on Radio in Education, in the production of this series of nineteen broadcasts, from February 4 through June 9. The National Municipal League, co-sponsor for more than two years of the *You and Your Government* programs, will temporarily relinquish its place on the air upon the conclusion, January 28, of the current series on "Planning." In view of the impending national elections and the widespread interest in and controversy over the Constitution, this should be a very interesting series. It is planned to present both the conservative and liberal points of view; the practical politician's attitude,

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as well as the professor's; both the constitutional lawyer and the publicist. Each radio program will be a condensed version of an article which will be published in the May issue of the *Annals*. Preprints of each complete article will be available, however, immediately following its corresponding radio program, for fifteen cents a copy, or at a price of two dollars for the series, either in pamphlet form to be distributed weekly, or in a bound volume in May. Special prices for the purchase of preprints or the full volume in quantity will be furnished on request. Dr. Thomas H. Reed, chairman of the Committee on Civic Education by Radio and chairman of the Committee on Policy, will be the editor of the May *Annals*. Dr. Reed will also introduce each speaker briefly. The *You and Your Government* programs are now in their fourth year, and the next series will be the thirteenth. Last spring, they received the award of the Women's National Radio Committee as the "best non-musical sustaining program on the air."

The matter of an official gazette for the United States has been under discussion for a good many years. The establishment of the National Archives with a building of its own emphasized the need for such a publication, and the enactment of H. R. 6323, 74th Congress, approved July 26, 1935, and known as Public No. 220, 74th Congress, makes it certain that the United States will soon have the desired gazette. The publication will probably appear in connection with the next session of the 74th Congress, or as soon as money can be provided, and will be called, according to the provisions of the act, the "Federal Register." The act provides for a "division" in the National Archives Establishment "charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under Section 5." Section 5 includes presidential proclamations and executive orders, such documents as the President shall consider to have general applicability and legal effect, and such documents as may be required to be so published by act of Congress. This will include every document or order which prescribes a penalty. It will include such other documents as may be authorized by regulations with the approval of the President, but in no case will comment or news items of any character be authorized to be published in the Register. An administrative commission of three members is established, the Archivist being chairman, and the director of the Federal Register Division secretary. It is to be hoped that the charge for the new publication will be reasonable, and not of such a prohibitive character as that for the *London Gazette*, the organ of the British government, published twice a week at a subscription rate of ten pounds ten shillings a year.—H. H. B. MEYER.

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Civilization and the Growth of Law. By William A. Robson. (New York: The Macmillan Company. 1935. Pp. xv, 354.)

Through his able book entitled *Justice and Administrative Law*, published in 1928, the author of the present volume is well known to students of government in the United States. In the volume now under review, the author takes the whole world for his parish. In his own words: "The object of the present work is to depict the interactions between people's ideas about the universe on the one hand and the laws and government of mankind on the other. I have endeavored to show how legal and political institutions have been influenced by magic, superstition, religion, and science; and how these great forces have in turn been influenced by the law. The essential aim throughout has been to present a synthesis."

Obviously, nothing of specific research is to be expected of a small volume which seeks to cover such a wide field; and, obviously also, no one can expect a full discussion of the major influences that have determined the growth of the law. The author fully recognizes the limitations of the task he has set for himself, and indicates in his introduction that he has no intention of exhausting either the subject-matter or the reader.

In discussing the growth of the law, the author, perhaps wisely, declines to define the term "law," but some confusion results from the failure to distinguish rules governing human action from other types of rules or principles which may fall within the broad use of the term "law." The author speaks disparagingly of John Austin's definition of law in terms of command and obedience, but in tracing the growth of the law, his discussion implies a definition involving sanctions which compel or persuade to obedience. It is possible to agree that it is a mistake "to emphasize the elements of express sanction by law courts and governmental institutions," and that the legal fabric is in part woven from "various forms of coöperative practices and customary conduct," but the forces which bring general compliance with the forms of customary conduct constitute an essential element of the law and cannot be ignored. And, however we may define law, there is a difference in fact between a practice or custom which has come to have a governmental sanction and one that has not progressed so far—even though each may be generally observed.

The book is divided into three parts, the first dealing with the origins of law; the second, with the law of nature; and the third, with the nature of law. Part I, which occupies more than half of the book, deals primarily with the extent to which legal institutions have been influenced by magic, superstition, and religion, and presents an interesting review of this problem. With respect to the application of the criminal law to the animal

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world (p. 84), the author could perhaps have obtained aid from E. P. Evans, *Criminal Prosecution and Capital Punishment of Animals* (London, 1906). The parts of the book dealing with the law of nature and the nature of law are, of necessity, rather broad generalizations. The volume as a whole is interesting and worth reading, although the interest would be greater if the generalizations had been more specifically applied to the problems of the modern world. But this was not within the scope of the author's plan. Those who are interested in the forces which create the law will find the volume of value as a "synthesis" or summary based upon recognized sources of information. Unlike the author's previous works, the present book is somewhat marred by attempts at clever writing, which appear to characterize all efforts at broad generalizations in the field of law.

WALTER F. DODD.

Chicago, Ill.

Law and the Social Sciences. By HUNTINGTON CAIRNS. Foreword by Roscoe Pound. (New York: Harcourt, Brace and Company. 1935. Pp. xiv, 279.)

As intimated by Dean Pound in the foreword, this is a "timely and significant" discussion of the relation between law and the social sciences —more specifically, anthropology, economics, sociology, psychology, and political theory—a discussion which will be of most direct interest to those who may be curious or concerned as to the immediate contributions which these sciences may have to offer in the solution of legal problems. As the author modestly points out, the discussion can scarcely be said to determine the various aspects of the problem of the coördination of legal with other social sciences, but it does have the great virtue of stating suggestive aspects of the problem succinctly, in an atmosphere of temperate criticism, and with what will seem, to the lawyer at least, a broad familiarity with the history and literature of the social sciences considered.

In following the author's discussion of the social sciences indicated, there is a suggestion that the conclusions, on the whole highly favorable to the use of the contributions of the social sciences in connection with legal problems, are in a degree predestined by the approach. The inquiry in each chapter is, What has this science to offer to jurisprudence?

Thus, anthropology is found to have suggestive materials and theories to be considered in analyzing the nature of law and various legal institutions and is more practically useful as an adjunct of sound practices in colonial government. For many and central legal problems, it is shown, economics is of great significance, not merely for the light which it throws upon such important legal-economic institutions as property, contract,

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taxation, and the like, but more particularly because a large proportion of the questions which the courts are today called upon to resolve are in reality more economic than legal and cannot be answered adequately by the sole aid of legal standards. Similarly, the author notes, sociology has contributed to jurisprudence the fruitful sociological point of view, has developed a theory of cultural lag useful in the critique of existing law, and has also produced a body of specific factual studies of family, political, and economic institutions of peculiar value to the jurist and the legislator. Although in the interesting chapter on psychology the author concludes that at present limitations and inconclusiveness of the experimental data do not promise extensive contributions from this science, in contemporary political theory he discerns a more satisfactory solution of the problem of sovereignty, a more realistic conception of the doctrine of separation of powers, and a needed emphasis upon the ethical aspects of rights, than are to be found in the jurisprudence accepted today.

It is extremely suggestive and useful to have these several points at which the social sciences in question may be of service to legal studies thus assessed and set down. But it will not fail to be remarked that in one respect a discussion of the nature outlined belies the title: it does not explicitly integrate these contributions which may be levied upon other branches of social science into an equally critical and coherent analysis of legal science itself. It is a mosaic in which the pattern seems deliberately to have been left obscure. For, as explained in the introduction, the discussion of method is avoided, so far as possible, in favor of an emphasis upon the immediate contributions of other social sciences to law. And yet the question of method, which is today of peculiar importance in the field of jurisprudence, is also of fundamental relevance to the problem of the coördination of law with other social sciences and, indeed, even to the more particular questions as to how such immediate contributions of other social sciences as have been indicated may be most effectively utilized by jurisprudence. On this question of method, the chief inference from the present volume is its implicit supposition, measurably verified by a survey of social sciences, that these sciences have achieved results of immediate significance to jurisprudence.

HESSEL E. YNTEMA.

University of Michigan.

Mr. Justice Cardozo; A Liberal Mind in Action. By JOSEPH P. POLLARD. With a Foreword by Roscoe Pound. (New York: The Yorktown Press. 1935. Pp. 327.)

This well-written book is in no sense a biography, or an exhaustive academic treatise. It is, as the sub-title indicates, a detailed, almost tedious, examination of the intellectual processes by which Justice Car-

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dozo arrives at decisions in certain classifications of private and constitutional law. Naturally, the largest part of the book is devoted to illustrative material from cases before Judge Cardozo in the New York Court of Appeals. There are chapters on personal injury, family strife, crime, civil rights, business honor, workmen's compensation, and a variety of constitutional issues. Two concluding chapters have to do with the Supreme Court and the New Deal.

Each chapter tells much the same story: law is a social instrument for adjusting human relations, which are dynamic and changing. In it there must be the primary quality of certainty, yet the law must be changed or else it will fail to meet the needs for which it exists. Legal precedents are important in that they supply this element of certainty, but precedents must not be used in such a way as to paralyze the law; much less should they be construed and applied so as to abort the all-important end of justice. In the judicial process, logic and history also have their uses, but these, too, must be kept within such bounds as will allow the end which law serves to dominate them all. In this striving for justice, Cardozo pays to the aid rendered by theorists and philosophers a tribute that recalls the words of Justice Holmes, whose place on the Supreme Court Cardozo now occupies: "Theory is the most important part of the dogma of the law, as the architect is the most important man who takes part in the building of a house." Justice Cardozo expressed our debt to the "lonely scholar" in an ungrateful world as follows: The theorist "is contrasted, and to his great disfavor, with the strenuous man of action, who plows or builds or navigates or trades, yet in moments of meditation he takes the consoling knowledge to his heart that the action of his favored brothers would be futile unless informed and inspired by thoughts that come from him."

The liberal slant in Justice Cardozo's philosophy is illustrated not only in cases involving social welfare measures, but also felonies, libel suits, etc. It is in the former field that the greatest importance attaches to him as a Supreme Court justice. Down to the Schechter Case, Justice Cardozo's position in New Deal cases might have been anticipated. He joined five judges in upholding the Minnesota moratorium legislation and the New York milk control act. In the "hot oil" case, he stood alone and delivered a scorching, unequivocal dissent that showed qualities of creative judicial statemanship. After pausing to deplore the administrative methods that brought about for a time uncertainty as to the terms of executive orders intended to be law, he proceeded to consider the question of whether the act furnished sufficient criteria for the guidance of administrative officers in applying the law. The Court, speaking through Chief Justice Hughes, held the necessary standards wanting. From this Justice Cardozo dissented, and again he used language strik-

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ingly similar to that of Holmes: "Discretion is not vagrant and unconfined. It is canalized with banks that keep it from overflowing." Justice Cardozo joined, as was expected, with the dissenting liberal wing of four judges in the case which wrecked the Railroad Retirement Act. The Schechter Case was decided after this book was published. One wonders whether the author might not find in this case certain evidence of "stalling" in the action of the liberal mind of which he writes.

In a foreword to the volume, Dean Pound tries his hand at listing the nine outstanding judges in American judicial history. The nine selected (tenth place being reserved for Cardozo) all show certain common qualities, and though Dean Pound does not say so, he implies that these constitute the basis of judicial greatness. Certain readers may not agree with all of Dean Pound's choices (one might even question whether the tenth place should be kept for Justice Cardozo); greater dissent may be found as to the basis of selection. It appears obvious to the reviewer that Marshall and Holmes, for example, were not great judges because they possessed like qualities, but rather because each had peculiar qualities fitting him to deal with the legal problems of his day and age. The same may be said of certain other judges listed by Dean Pound.

The judicial process requires above all else (if we are to accept the views of Holmes and Cardozo) an abiding theory that will enable the judge to find his way through the tangle of facts, legal precedents, and other legal paraphernalia that frequently befuddle and confuse. It is this fertilizing or creative element in the exercise of the judicial function that makes the result distinctive. If the judge is to rise above mediocrity and have his decision quickened with "the inspiration of a principle," he must have gained an insight into "the universal element." Several years before he became a Supreme Court justice, Cardozo wrote: "The judge is often left to improvise . . . a theory . . . a philosophy, when confronted overnight by the exigencies of the case before him. Often he fumbles about, feeling in a vague way that some such problem is involved, but missing the universal element which would have quickened his decision with the inspiration of a principle. If he lacks an adequate philosophy, he either goes astray altogether, or at best does not rise above the empiricism that pronounces judgment on particulars."

It was, moreover, the emergence of this power to divine a principle that enabled Justice Cardozo to overcome certain difficulties during his first years as a judge. "I was much troubled in spirit," he writes, "in my first years upon the bench, to find how trackless was the ocean on which I had embarked. I sought for certainty. . . . I have become reconciled to uncertainty, because I have grown to see it as inevitable. I have grown to see that the process in its highest reaches is not discovery but creation; and that the doubts and misgivings, the hopes and fears, are part of the

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travail of mind, the pangs of death and the pangs of birth, in which principles that have served their day expire and new principles are born."

Though this book is admirable as a painstaking record of the cases in which Cardozo has participated, it leaves something to be desired. Perhaps the title is more ambitious than the performance. It is not enough to be told that a judge has a liberal turn of mind and to be reassured of this fact, as we are, in chapter after chapter. One wants to know something of the factors and conditions in the life of the man that caused him to look at legal issues as he did. Men's words, thoughts, and actions fall into perspective only when projected against the intricate pattern that constitutes their environment. A record of the facts and rulings in a series of classified cases is hardly a complete account of Cardozo's mind in action; nor is it clear that each and every decision rendered by Cardozo is *ipso facto* liberal. To reply that this is not a biography, but a study of "a liberal mind in action," does not answer such criticism. It may be doubted whether any one can appraise a man's mental reactions and processes without some consideration of the forces which set his mind in action and of the materials on which it feeds.

ALPHEUS THOMAS MASON.

Princeton University.

Government in a Planned Democracy. By ARTHUR N. HOLCOMBE. (New York: W. W. Norton and Company. 1934. Pp. ix, 173.)

This volume is a continuation of Professor Holcombe's earlier study entitled *The New Party Politics.* His general thesis is as follows: "The problem of stabilizing the modern class-conscious state is too complex for solution by the low-powered governments which have come down from the age of rugged individualism. It is necessary to develop a high-powered political system adequate to cope with the new responsibilities which modern governments must assume" (p. 136). He discusses the experimental attitude and the governmental art, indicating the importance of developing new types of political invention to meet new social situations. The next chapters deal with the various forms of representation, namely, the representation of capital, the representation of labor, and the representation of management in the function of government.

The concluding chapter deals more generally with organizing for national planning. Here are reviewed proposals for a national economic council, the work of the Business Advisory and Planning Council in the Department of Commerce, the Conference of Code Authorities under the N.R.A., and the General Staff of the United States Army, without commitment, however, to any specific form of structure, type of personnel, or policy.

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The broadest conclusion drawn by Professor Holcombe is one to some extent anticipated in his earlier volume, namely, that "a government based on the supremacy of the middle class is the kind which is most suitable for a planned democracy."

The following comment may be made upon Professor Holcombe's interesting and valuable study, based as it is upon his long experience, close observation, and reflection: (1) From the point of view of the reviewer, Professor Holcombe lays unnecessary stress on the concept of "class" and the implications of "classism." Obviously, the word "class" is a term of many possible meanings, and the appropriation of it by those who speak of upper, lower, and middle class in terms of "economics" is open to the suggestion of alternative possibilities. The Marxian terminology and the propaganda based upon it is, of course, important historically and contemporaneously, but obviously wide open to criticism. There are other interests than "economic" around which men may cluster—if indeed we really know just what is meant by "economic interests." Is one's economic interest what he thinks it is, or what someone else thinks it is? What importance shall we attach to grouping upon lines of race, religion, region, to say nothing of a wide variety of other types of social cohesion? (2) Modesty almost but not quite forbids the reviewer to direct attention to the fact that important planning agencies have been omitted from Dr. Holcombe's study. My address before the American Political Science Association in December, 1934, "Planning Agencies in America," discussed the work of the National Resources Board, the forty-six state planning boards then and now in existence, and the regional planning boards. The reports of these agencies doubtless appeared almost simultaneously with the completion of Dr. Holcombe's manuscript, although there had been widespread publicity regarding their work for some months back.

At present, a proposal for the establishment of a national planning board is pending in the United States Senate, reported out favorably by the Committee on Judiciary. This planning board would consist of five members appointed by the President of the United States and serving as a general staff to the Chief Executive.

The extensive report of the National Resources Board on land, water, and mineral resources and on public works discusses the organization and policies of national planning at some length. The recent report on the work of the forty-six state planning boards develops the preliminary work of these agencies. This seems to be in line with the suggestions advanced by Professor Holcombe in his concluding chapter.

CHARLES E. MERRIAM.

University of Chicago.

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Dictatorship in the Modern World. By Guy Stanton Ford (Editor) and Others. (Minneapolis: University of Minnesota Press. 1935. Pp. iv, 179.)

According to the editor's foreword, the seven essays contained in this volume present "such a cool and dispassionate survey . . . as only the historical approach can give." Proponents of other methods of approach may wish to take exception to this statement; nevertheless it must be admitted that *Dictatorship in the Modern World* is replete with new and original *aperçus* which no advanced student of the subject can afford to overlook. Since the historical point of view dominates, the book is valuable principally for the light which it throws upon the genesis of existing governments of the type under consideration. On the other hand, less attention is given to the structures and functions of contemporary dictatorships than the political scientist would like to see directed to these subjects. Rash prophecy is carefully avoided; little is said about the future except in Denis W. Brogan's essay on "The Prospects for Democracy"—perhaps the most closely and convincingly reasoned paper included in the volume.

There is a refreshing difference of opinion, implied rather than expressed, among the seven writers who contribute to the book. Some of the authors envisage the possibility of "a new age of despots" invested "with a deep security"; others evidently doubt the permanence of the European absolutisms of the day. Similar differences exist with regard to the relative significance of communist and fascist dictatorships. Unfortunately, most of the essays have been condensed to a degree which makes reading rather difficult. Several of them are so full of meat for strong minds that expansion to the extent of a volume would be desirable. In particular, the reviewer finds Professor Rippy's miniatures of the sepia Caesars who have flourished in countries below the Rio Grande so striking, and even amusing, that he would greatly rejoice to see full-length portraits executed by the same masterly hand.

There is a large amount of generalization in some of the essays, most of it sound enough, part of it calculated to promote controversy. One reads, for example, that "the dictatorship of fascism is charismatic, nationalistic, and permanent; the dictatorship of communism is rational, international, and temporary." Even after looking up the word "charismatic"—all the more after having done so—this is manifestly a proposition about which there may be much dispute, both academic and partisan.

From the point of view of the political scientist, Professor Henry R. Spencer's "The Mussolini Régime"—in the main a condensation of his admirable book on *Government and Politics of Italy*—is extremely helpful. At the present moment, however, with the fate of Ethiopia, and perhaps

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of Europe, hanging in the balance, one reads with vain regret his statement regarding the unlikelihood that the *Duce* would engage in a real war for any purpose, even the most sacred. Having made the same error in print a few months ago, the reviewer notes it only as an evidence of what folly it is to expect rational behavior on the part of any dictator. In general, however, it may be said that not only the essays mentioned above, but also those by Max Lerner, Ralph H. Lutz, Harold C. Deutsch, and Hans Kohn are as judicious as the subject permits. If anything, the writers lean over backward in an effort to be scrupulously fair to dictatorships.

ROBERT C. BROOKS.

Swarthmore College.

Communism in the United States. BY EARL BROWDER. (New York: International Publishers. 1935. Pp. xii, 352.)

This book is the work of a communist leader, and a large portion of the contents was originally addressed to communists. Earl Browder, general secretary of the Communist party of the United States, in this volume has compiled his more important reports, addresses, and articles composed during the last three years. Among these papers are the manifesto of the eighth convention of the party (1934) and the report of the central committee to that convention; the keynote speech of the presidential nominating convention of 1932; excerpts from the report to the extraordinary party conference of 1933; addresses and reports to the executive committee of the Communist International; statements, debates, forum discussions, articles, etc.

Such a compilation obviously does violence to unity, and repetitions are inevitable. The work, however, is timely, and the author and publishers are to be congratulated on bringing out these papers in a convenient volume. Here we find clear statements of the revolutionary point of view; the communist appraisal of the New Deal; the political implications of economic conflict; the relationship of immediate action to ultimate goals; the struggle for the united front against war and fascism; the attitude of the party toward the Negro; communism and religion; communism and trade unionism; the policy of recruiting from the rank and file; the policy of yielding on labels and symbols while doggedly adhering to principles; and so on. When attacking the enemy, the author is a bit reckless in his use of facts and interpretation of motives; but he is admirably judicious when taking stock of the shortcomings of his own party. Communist mistakes are not glossed over, but are subjected to a relentless self-criticism.

The work is disappointing as a statement of theory. Comrade Browder, having accepted the Lenin-Stalin version of Marxism, is too orthodox to admit of any argument. The main value of the work lies in its presentation of the communist position with reference to contemporary American

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problems. In simple and unequivocal language, the author outlines the aims, program, and strategy of the party, and evaluates its organization and strength. Such a book is welcome at a time when "communism" is a label applied to every program at variance with certain interests.

WALTER THOMPSON.

Stanford University.

The French Parliamentary Committee System. By ROBERT KEITH GOOCH. (New York and London: D. Appleton-Century Company. 1935. Pp. xiv, 259.)

For some years, Professor Gooch has been developing a special competence in the field of French government. The high promise of his *Regionalism in France* (1931) and his various magazine articles has been fully sustained by the more ambitious work now before us. This new book, though based on the author's doctoral dissertation for an Oxford degree, represents a good deal of additional investigation and a recasting of the original manuscript. It appears as a publication of the University of Virginia Institute for Research in the Social Sciences.

Notwithstanding the importance of the standing committees and a generation of experience with them, they have attracted surprisingly little attention. Hitherto American students have relied chiefly upon Breton's short treatise (1922) and two valuable articles by Lindsay Rogers (1923). Duguit gives little more than ten pages to the subject (*Traité*, vol. iv, 1925). Last year, however, a more complete study, by the indefatigable Joseph Barthélemy, came from the press. While Professor Gooch has made some use of such secondary works (though failing to mention Rogers' articles), he is not unduly indebted to them. His materials have been dug out of the official documents, which seem to have been explored with great pertinacity. His book deserves to be placed alongside of Moon's *The Labor Problem and the Social Catholic Movement in France* as an outstanding contribution of American scholarship to the literature of contemporary French government.

The detailed attention given here to committee reports and parliamentary debates adds greatly to our understanding of the political scene. Professed principles and actual motives are revealed in the arguments for and against the establishment of standing committees, for and against their permanency or their derivation from party groups. The committee system, as Professor Gooch presents it, affects almost every phase of parliamentary activity. It involves the groups and their stability. (One should note the new rule of 1932, which debars unaffiliated deputies from joining together to make committee nominations.) It leaves its mark upon all legislative and financial business. Above all, it concerns ministerial leadership. The committees—and especially the committee on finance—are often charged with usurpation; they have been denounced as hotbeds

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of intrigue, as ante-chambers of coveted ministries, parasitical organisms, parliaments within parliament. Professor Gooch gives both sides of the controversy; but he is skeptical about the claim that executive weakness has not increased since the standing committees were set up.

He is not always felicitous in handling French terms. "Committee" is, without question, the equivalent of *commission;* and no apology for its use was needed. But why should "proposal" appear instead of "bill" or, if it is *proposition* that he had in mind, "private member's bill?" Why should *exposé des motifs* and *règlement* (the first in italics always, the second only once) defy translation? Although he clings to the French word, Professor Gooch does explain (p. 16) that *règlement* means "rule." So, too, he explains (pp. 150–151) the difference between *projets* and *propositions*, calling them "projects" and "propositions."

In the first thirty pages of the book, providing a general introduction to the main theme, appear numerous statements that can hardly pass unchallenged. A few illustrations must suffice. We are told (p. 7) that because of the amendment of 1884 (eight pages later termed "doubtful"), the republican form of government can be changed only by revolution; in other words, that the National Assembly cannot change its mind, which is very different from the view of Jules Ferry, author of the amendment. Of the British cabinet, it is said (p. 8) that Parliament "may at any time substitute for it another group of governors, which was doubtless sound doctrine in Bagehot's days. It is quite misleading to say (p. 11) that the parliamentary groups "are far from corresponding in most cases to the organized political parties in the country;" and before the elections of 1932 it would have been mathematically false. There are dubious statements in later parts of the book. For example, Professor Gooch lists (p. 219) the reasons for the weakness of the French executive without any reference whatever to the right of dissolution; and yet, when discussing Doumergue's proposed cure for cabinet instability (p. 252), he says that the right of dissolution became clearly defined as the central issue. It confuses the reader to find one passage contradicted by another.

Carelessness of this kind is rarely encountered when the author is dealing with his specific subject, the standing committees. Thoroughness and accuracy mark his use of the documents. Anyone who seeks to verify his many citations will find evidence enough of scholarly workmanship.

EDWARD M. SAIT.

Pomona College.

The Irish Free State; Its Government and Politics. By NICHOLAS MANSERGH. (New York: The Macmillan Company. 1934. Pp. 344.)

In this volume, Mr. Mansergh presents not only a clear outline of the governmental structure of the Irish Free State, but also a thorough ex-

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planation of how that government actually works. The author shows an intimate acquaintance with the Free State government as it functioned during its formative years.

After reviewing the almost insuperable difficulties involved in bringing about a settlement of the long-standing Anglo-Irish problem, the author proceeds with an account of the negotiations which finally resulted in the treaty providing for dominion status and of the subsequent drafting of the Free State constitution. Then follow chapters on the electoral system, the legislature, the referendum and the initiative, the executive, the administratve agencies, and the court system. Special chapters are devoted to parties, local government, finance, and external affairs.

The Free State constitution of 1922 contained a number of governmental innovations of special interest to students of political science. Among these may be mentioned the provisions for the establishment of both political and non-political, or "extern," ministers. The former were to be politically responsible to the Dáil; the latter were to be chosen by the Dáil on the basis of their individual administrative competence in technical fields. The obvious purpose was to minimize the influence of party upon the administrative services. This system, interesting as it was, never really worked as its sponsors intended. From the beginning, the extern ministers were actually selected by the Executive Council, and hence were hardly distinguishable from their political colleagues. A constitutional amendment in 1927 virtually ended the experiment. In actual operation, the Free State ministry has closely approximated the English cabinet system. As in that country, the technical administrative services are performed by the permanent civil service, which operates under the guidance, not of the Dáil, but of politically responsible ministers.

Although the framers of the constitution attempted to create a dominant legislature, they failed in their purpose. The two-party system largely nullified their efforts and produced instead an extraordinarily strong and stable ministry which not only controls the Dáil in matters of policy and procedure, but also enjoys wide authority in the realms of subordinate administrative legislation and adjudication.

It is often argued that proportional representation produces a multiparty system. In the Free State it has not done so. The number of parties has actually decreased. Thus both the system of extern ministers and proportional representation, although designed to prevent the emergence of strong party government, have failed of their purpose. The author thinks that this failure can be explained partly by the existence of one dominant political issue, that of the treaty. This issue has divided the electorate so profoundly that other issues have fallen into the background. It should be remembered that proportional representation not only insures a mi-

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nority its proper share of the representatives; it also guarantees that a majority will obtain control of the legislature.

This volume contains an excellent analysis of the Free State government. It is not marred by prejudice or partisanship, and furnishes, therefore, to students of comparative politics a reliable guide for the study of an interesting experiment in representative government under difficult conditions.

ELMER D. GRAPER.

University of Pittsburgh.

The Political Influence of Queen Victoria, 1861–1901. BY FRANK HARDIE. (London and New York: Oxford University Press. 1935. Pp. 258.)

Mr. Hardie's book is an expansion of an essay written by him as "Gladstone Memorial Exhibitioner of Christ Church for 1932–3," a fact which helps to explain why the greater part of the two chapters dealing with "The Influence of the Queen on Home Affairs," and nearly one-half of the entire book, is devoted to "The Queen and Mr. Gladstone." In two other chapters, he discusses briefly her influence on religious, social, foreign, imperial, and military affairs. Chapters VI and VII are entitled "The Heir to the Throne" and "The Prestige of the Queen." Chapter VIII contains the conclusion.

The research of Mr. Hardie has been confined to printed sources, among which, as is natural, *The Letters of Queen Victoria* hold the first place. The book is sketchy, and the author frequently discusses the Queen's views rather then her influence. If he had examined the private papers of the ministers of Queen Victoria, now available to the students of the history of her reign, he would have found that, contrary to his assertion, new things can be said about her "influence on foreign policy," that she often influenced the choice of colonial governors and British diplomatic representatives, and that on several occasions foreign diplomats failed to receive the coveted appointment to the Court of St. James because Queen Victoria disapproved of them or their wives. Mr. Hardie discusses the Queen's attitude toward the grant of honors, a topic he might have extended and amplified. He might have called attention to her opposition to the grant of a peerage to Wolseley in the early eighties which nearly resulted in the resignation of the government of Gladstone. At that time she gained her point; but it is a notable fact that throughout her reign the honors lists were prepared by the prime minister and that she could defer but not prevent the granting of honors to those chosen by her advisers. Among other topics omitted that are more important than those of the guards' gaiters and the sailors' whiskers (see p. 223) is that of whether the choice of the poet laureate should be made by the sovereign or by the

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prime minister, a matter which came up in 1892 and was settled in favor of the latter.

The best portions of the book are the analysis of the views of the constitutional position of the sovereign presented by Bagehot, the discussion of the position of the crown in 1901 as compared with 1832, and the survey of the relations between the Queen and Gladstone. Mr. Hardie's examination of the position and power of Queen Victoria shows learning and insight, but in discussing her relations with Gladstone he adds little to what is well known.

The book is interesting and well-written, and the subject is important. However, it is to be hoped that in preparing the history of the British monarchy, 1830–1910, which the author promises, he will cast his net wider and examine with care at least some of the magnificent collections of private papers left by the prime ministers of Queen Victoria. The book has no bibliography, but useful foot-notes and a good index.

PAUL KNAPLUND.

University of Wisconsin.

Russian Justice. BY MARY STEVENSON CALLCOTT (New York: The Macmillan Company. 1935. Pp. x, 265.)

Dr. Callcott has produced a highly interesting volume on the administration of Russian justice. While a number of academic works have appeared in recent years on the subject of courts, crime, and criminals, none of them is as readable and sympathetic in their treatment. The author is to be complimented highly for not permitting herself to be influenced by horror stories which have been appearing in the press and current periodical literature. Whatever her attitude toward the political and economic set-up of the Soviet Union may be, it is never permitted to invade her objective evaluation of the judicial and penal institutions.

The conservative lawyer and the advocates of "hard boiled" treatment of criminals will not like the penal theories described in this book, because the primary task of Russian prisons is not punishment but training persons who have broken the law to become useful citizens. The Soviet system of courts, according to Dr. Callcott, has cut through the Gordian knot of formalism and applies common sense to problems arising from actions of those members of society who have broken the law. Ordinary infractions of the law find speedy and fair trials, but "acts committed against the state" are still punished with utmost severity and after considerable delay. To be sure, justice is administered from the standpoint of proletarian ideology, but there are not many people left in the Soviet Union who are not proletarians, collectivized peasants, or employees of public institutions.

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Dr. Callcott's description of the operation of the courts deserves the attention of all persons who are interested in judicial reform. The best part of the book, in the estimation of the reviewer, is the portrayal of penal institutions. It is frequently said that the average American observer is influenced by officially conducted tours to various show places reserved for foreign visitors. But here we have an experienced social scientist who knows her way about in the field of crime and punishment. The chapters on "Corrective Labor," "Sokolniki," "A Women's Prison," "The Bolshevo Labor Commune," and "The Child and the Law" are worthy of attention. Dr. Callcott is to be commended highly for this scholarly, yet readable, book. One defect, however, should be pointed out: Dr. Callcott confined herself to the institutions in Moscow. It would be of interest to the general reader to know whether conditions prevailing there are to be found in other cities and towns of the Soviet Union. A very useful translation of the General Section of the Criminal Code completes this excellent volume.

BERTRAM W. MAXWELL.

Washburn College.

Public Administration. By JOHN M. PFIFFNER. (New York: The Ronald Press. 1935. Pp. 525.)

With the rapid expansion of public administration, especially during the present century, there has been a growing interest in the subject, reflected in the increased attention to it in universities; and there has been for some time a pressing need for a more satisfactory work dealing with the general problems. Professor Pfiffner's book presents a distinct improvement on earlier works, with a better balanced discussion of the main divisions of the subject, and incorporating a great deal of new material from more detailed studies of special problems.

After an introductory chapter on "The New Public Administration," there follow five parts, dealing with organization, personnel, financial administration, administrative law, and public relations. Each of these topics is considered mainly with reference to recent developments in American practice, but with some discussion of European methods, and of conflicting views on various matters. In the main, Professor Pfiffner approves the new tendencies towards a more integrated system of public administration.

In a field of such great extent, there are necessary limitations on what can be covered in a single volume intended for an introductory course; and there are also likely to be differences of opinion as to the method of treatment and the relative emphasis on different phases of the subject. Attention may be called to some of these as seen by the writer of this review. In the section on organization, there is no discussion of the rela-

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tions between the central offices and the field services of the national administration, nor of the increasingly important relations between national and state and local agencies. The discussion of financial administration deals in the main with the budget and control of expenditures, with only a few pages on tax assessment or the important topic of tax and revenue administration. In the section on administrative law, as in most recent American and English discussions, there is no clear recognition of the distinction between the French and Continental European systems of administrative courts and administrative law as agencies for the control of the administration, and the judicial and legislative functions of American and English administrative agencies, which are more analogous to the commercial courts and commercial law of European countries. Nor is any attention given to the important functions of law departments in American governments as agencies of administrative integration.

Earlier works on municipal, state, and national administration considered the development and scope of the various administrative services; but, like other general works, the present volume deals only with what have been called the housekeeping or institutional activities, common to the different services. Some attention to these line services and the other topics noted above seems to be worth while in a general work on the problems of public administration.

JOHN A. FAIRLIE.

University of Illinois.

Problems of the American Public Service. BY CARL JOACHIM FRIEDRICH, WILLIAM C. BEYER, STERLING D. SPERO, JOHN F. MILLER, AND GEORGE A. GRAHAM. (New York: McGraw-Hill Book Company. 1935. Pp. 433).

This volume contains five of the monographs published under the auspices of the Commission of Inquiry on Public Personnel, and it supplements on the American side the publications on England and Europe.

Professor Friedrich, in the monograph on "Responsible Government Service under the American Constitution," deals with the general considerations involved in the theory of responsible government service as they apply to the American scene, using the word constitutional in its broadest sense. This monograph discusses the major and fundamental problems of the theory of the service, and may well be read again, following the completion of the other monographs, because its significance is the more easily appreciated in the light of the more concrete discussions of some of the same problems in several of the other monographs. It is impossible to summarize what doubtless is a summary of Professor Friedrich's own theories upon this subject, but in view of the recent educational interest in this general subject, it will be enlightening for most educators

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to read carefully his discussions of European traditions of training for administrative service, "The American Tradition: Private and Technical," and "Education for Administration Itself," in Chapter VII.

To the present reviewer, Professor Friedrich's constant attempt to think all the way around a problem constitutes the contribution of this monograph, and his discussion of responsibility is offered as an example of this method of approach, emphasizing as he does the several alternatives available in the field of responsibility and the choices of technique that must be made in applying responsibility in actual government.

In his "Municipal Civil Service in the United States," William C. Beyer gives a convenient and brief summary of personnel practice in American cities and closes in a hopeful vein for the future of the municipal services in this country—a vein that probably is justified by present trends. This monograph leaves one with the feeling that the American city has done better with public administration than most persons now realize.

In monograph number 9, Sterling D. Spero has written an excellent and thoughtful treatment of "The Employer and Employee in the Public Service," and in many ways this is one of the most instructive and significant discussions in the whole of the series of monographs published by the Commission. The history of the labor phases of governmental employment is an interesting one, and the story of the internal and external forces of cohesion and disruption that have been encountered in the field of government employment brings out in the open for further thought and inspection the whole problem of the civil servant and his position in society and in the government itself. That problem is a vexing one. Americans have not yet realized its vexatiousness quite as fully as they are beginning to realize the difficulties involved in the government playing the rôle of umpire between capital and labor, or more precisely, employer and employee. Naturally this is a step closer to the theory and practice of authority, this relationship that exists between the government as employer and the civil servant. The monograph is the result of much thought and careful study, and on the whole the tone of it is admirably well balanced. Mention should be made at this point of the fact that this problem is touched upon in some way or other in most of the other monographs, and to read the English, German, and French experiences and theories in this connection is particularly helpful in clarifying thought with respect to the problem.

"Veteran Preference in the Public Service," by John F. Miller, while somewhat formal, of necessity because of lack of space, gives a helpful picture of the extent of veteran preference in all levels of government. Scant attention is paid to the actual practices and judicial decisions affecting the statutes on this subject, but the brief statement of the problem

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and the summary of statutory provisions is very useful. Some interesting figures on this type of preference are included in Mr. Miller's monograph. This reviewer would have been pleased to see a discussion of the methods in use for circumventing veteran preference, and the administrative and legal problems and considerations involved in them. This phase of veteran preference law administration is causing considerable discussion in both administrative and veteran circles.

Professor George A. Graham has ventured into an extremely interesting field in his study of "Personnel Practices in Business and Governmental Organizations," in which he makes a comparison of private and public personnel practices. Business men will be interested in his conclusion that governmental personnel policies excel those of private business at some points, and governmental administrators will be interested to learn that private personnel policies are superior to those of public personnel policies at other points. The detail included in this study is so interesting, in the opinion of this reviewer, that he ventures the hope that studies of this kind will be carried on in the future on a larger scale.

Students of government will find this volume of interest. It is a book full of theory and practice. A layman may find it a bit too theoretical and an expert may find it a bit too general. But it is a very worth-while group of monographs.

OLIVER P. FIELD.

University of Minnesota.

Public Finance. By CLYDE L. KING. (New York: The Macmillan Company. 1935. Pp. x, 602.)

While this volume is intended to serve as a college textbook, its style and method of treatment are such as to make it useful as a guide to the general reader interested in the field of public finance. The book is enriched by the author's experience of several years as budget and revenue officer in the Pennsylvania state government, and by his contacts with various phases of national, state, and local finances.

The subject-matter falls under three general heads: public expenditures, public revenues, and public debts. Following the introductory chapter, about a third of the volume is devoted to a discussion of public expenditures. This discussion is more elaborate than is usually found in textbooks. It deals first with general trends in public expenditures and then with functional costs. Several chapters are devoted to the costs of war, education, health, welfare, relief, public works, and so on, the political and social aspects coming in for considerable comment in each case. In the course of these chapters, the author has quite a lot to say about the spending policies of the Roosevelt Administration, particularly those relating to public works. His opinion of the efficacy of the government's

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spending program as a means of breaking the depression is indicated by his ironical counter-proposals for the restoration of prosperity through government propagation of Persian cats and for the cure of unemployment through the hand-picking of chinch bugs from western wheat fields (p. 164)!

The bulk of the volume is devoted to a discussion of public revenues—nineteen chapters in all out of a total of thirty-one. After disposing of the theoretical aspects of taxation in three chapters, the author devotes a chapter each to such major taxes as general property, personal income, corporation, gasoline, sales, and inheritance taxes. His treatment of these taxes is often of a historical and descriptive character; administrative problems are not emphasized. Preliminary to the discussion of customs duties, the author surveys the tariff history of the United States, the current status of international trade, capital movements among nations, our changing industries, and governmental control of exchange rates, thus laying a much broader basis than is customary in treating the fiscal aspects of tariff policies.

Public debts are inadequately dealt with in a chapter on borrowing. A considerable part of this chapter is devoted to a discussion of the dangers of inflation, in which "the estimable Doctor Stroof" of Germany's inflationary period is the moving and gripping character (p. 560). The last two chapters treat of the budget and the coördination of federal, state, and local finances. Both of these chapters are quite sketchy.

On the whole, this volume sets forth the author's viewpoints on the problems of public finance in a provocative fashion. There is usually no mistaking where he stands, although one may not always be able to follow clearly the threads of argument which lead to his conclusions.

By way of suggestion for future editions, if such a thing is in order, one may say that the book might have been made more readable by not overloading it with statistical and tabular materials. One wishes, too, that the author might have departed from the conventional type of treatment and approached his subject more from the standpoint of financial administration, which is, after all, the heart of public finance. This approach might very well have been expected, in view of the author's varied experience as a fiscal officer.

A. E. Buck.

Institute of Public Administration.

Labor and the Government. Edited by Alfred L. Bernheim and Dorothy Van Doren. (New York: McGraw-Hill Book Company. 1935. Pp. 373.)

In the spring of 1934, the Twentieth Century Fund initiated a study of the rôle of government in labor relations. A research staff was appointed,

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headed by Alfred L. Bernheim, together with a committee of outstanding citizens to formulate recommendations based on the staff's findings. *Labor and the Government*, published a year later, consists of the report of the staff and the recommendations of the committee.

The committee consisted of William H. Davis (chairman), a distinguished New York lawyer who had served as National Compliance Director of the N.R.A.; William L. Chenery, editor of *Collier's Weekly;* former Governor John G. Winant of New Hampshire, chairman of the committee appointed by the President to settle the textile strike; Henry S. Dennison, president of the Dennison Manufacturing Co., and former chairman of the Industrial Advisory Board of the N.R.A.; William M. Leiserson, chairman of the National Mediation Board for the railroad industry; Sumner H. Slichter, professor of economics at Harvard University; Mr. Bernheim; and Evans Clark, director of the Fund. I have mentioned the composition of the committee because it seems to me highly significant that these men, with their varying backgrounds, should have arrived at unanimous conclusions which not only dealt decisively with the most controversial issues, but differed sharply from the prevailing views of industrialists and were destined, as it turned out, to be written in large part into the law of the land. The committee's recommendations were made public shortly after Senator Wagner introduced his bill (enacted a few months later) for the creation of a permanent National Labor Board with adequate power to protect the freedom of employees to organize. Every essential provision in the Wagner bill was contained in the committee's recommendations, although the latter were formulated quite independently of the drafting of the bill.

Both documents are based on the following propositions: (1) that the collective bargaining process should be encouraged as a matter of public policy; (2) that to free that process from artificial impediments, employers should be forbidden to discriminate against employees because of union membership, or to interfere in any way with their freedom to organize, as by setting up and financing "company unions"; (3) that collective bargaining cannot as a practical matter be successfully carried on unless the representatives selected by a majority of the employees within any collective bargaining unit (plant, department, or craft as the case may be) are recognized as having exclusive authority to negotiate a collective agreement for all; (4) that a national board should be set up to ascertain in contested cases the representatives of the majority; to determine the appropriate collective bargaining unit according to the circumstances of each case; and to prevent employers from interfering with the freedom of employees to organize; (5) that this board should be given adequate power to enforce its decrees (subject to judicial review); (6) that the

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board should be limited to these quasi-judicial duties, and that the functions of mediation and conciliation should be handled separately by other agencies, of which the Conciliation Service in the Department of Labor is the chief.

In several respects, however, the committee's report went further than the Wagner bill. The committee, for instance, recommended that the national board should be empowered to enforce the provisions of any trade agreement registered with it by both the employer and the union—a proposal which seems meritorious, although its importance may be questioned in view of the relatively few agreements which are broken and the fairly adequate redress afforded by the courts in such cases. The committee also recommended that employers and employees (where the latter had chosen bargaining representatives) should be compelled by law to give fifteen days' notice to each other of any proposed changes, or demands for changes, in terms of employment, whereupon the party receiving the notice could apply to the mediation department of the government to intercede and endeavor to settle the threatened controversy. One may doubt the efficacy and desirability of such a plan, especially in view of the somewhat unsatisfactory experience of the Canadian government (as described by the research staff elsewhere in the volume) with a law based on a similar principle. Yet it would be well if this proposal were to be debated seriously, and if the Canadian methods were to be more thoroughly studied and understood in this country, for there have been numerous controversies which could have been settled without strikes—and fairly settled—if mediation had been invoked before the stage of violence set in.

The bulk of the volume consists of the report of the research staff—a remarkably compact, meaty, and readable account of the history and structure of trade unions; the policies of employers, with special reference to company unions; the problems of adjusting industrial controversies; the rôle of the state and federal governments, and the experiments of other countries in dealing with these problems; the effect of the codes and the work of the various labor boards. While the sympathies of the authors are evidently with the employees in their efforts to organize and obtain better terms, the report is surprisingly impartial. Indeed, some of the policies of union leadership, and the prevailing trade-union form of organization (as opposed to industrial unionism, which is favored in the report), come in for so much adverse comment that one wishes more attention might have been drawn to the concrete accomplishments of existing unions and to the historical and social forces which make the task of remolding union structure and policy a most difficult and necessarily lengthy one.

But this is a minor criticism, and all in all I know of no single volume

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on the subject of present-day labor problems as informative, stimulating, comprehensive, and fair as this work of the Twentieth Century Fund.

LLOYD K. GARRISON.

University of Wisconsin.

Government in Business. By STUART CHASE. (New York: The Macmillan Company. 1935. Pp. 296.)

In his effective style, Mr. Chase now champions more and better collectivism. In these times of doubt, it is refreshing to read a book written with such certainty of objectives. His goal is a wage of $4,400 per year for every worker. The author might have used his accounting background to great advantage to indicate the source of the 135 billions of national income necessary to meet his wage scale.

Traced for us is the rapid expansion of government control and ownership. Even conservative Hoover spent vast sums in maintaining the prices of wheat and cotton, engaged in vast public works, and poured $2,788,000,000 of financial assistance into our railroad and banking corporations. Under Roosevelt, the pace has quickened. By the end of 1934, Mr. Chase reports that the government owned outright 20,286 farms, had options on the purchase of five million acres of land for parks, had entered into three million contracts with farmers, had regimented industry under N.R.A., supported twenty million Americans on relief, held $4,750,000,000 in mortgages on 1,500,000 homes, and had insured fifty-six million bank accounts.

The functions of government, in the author's opinion, should embrace government ownership or government control "to the extent of restraining private enterprise from twisting or checking the flow" in the production of all essential consumers' goods, food and water, shelter, clothing, education, health, and primary recreation. Reserved for private enterprise are the luxury goods, alcoholic drinks, confectionery, domestic servants, *objets d'art*, last-minute fashions, furs, laces, silk, colleges, foreign travel, country clubs, radio sets, the theatre, split-fee operations, jewelry, barber and beauty shops, tobacco, funerals, churches. We cannot escape the feeling that somehow we have been thwarted by the author's failure to include in the essential consumers' list a hair-cut, a radio set, and the daily delivery of a pack of our favorite brand of cigarettes. He admits, however, that the division "may strike the reader as strained and theoretical."

Further immersed in his ideal, Mr. Chase points out that it has "long been the duty of the state to do what private enterprise will not or cannot do." It is patent then, says the author, that since agriculture, soft coal, railroading, capital goods, textiles, and other industries now operate at a loss, they rapidly approach the "will not or cannot do" classification.

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These losing industries should be salvaged by the state if they directly or indirectly contribute to the list of essential consumers' goods.

The government's "order of business" for the next decade is summarized under five headings. First, "keep the economic ship afloat." Second, "permit Congress to legislate for economic controls" by removal of constitutional limitations. Third, "bring control of money and credit into the division of public business," meaning government ownership of federal reserve banks. Fourth, create a method of financing public works by using "income tax to produce more revenue, especially from the higher brackets," and as an alternative the creation by the government of a "credit fund without interest." It is not quite clear where the taxable income will be located if the profit motive is to be removed from practically all of our major industries. Fifth, the application of pre-arranged models of government control at the "strategic moment."

Mr. Chase is emphatic in his declaration that "public business does not have to be done by dictatorship or a fascist state." He could have expanded his statement profitably. Will collectivism operate in a democracy? Unfortunately, the "planner" must be reëlected every four years. Was it political expediency that kept 165,000 new federal employees out of the civil service? Did the Administration planning encompass the Potato Crop Control Act? Why are the employees of the "deceased eagle" kept on the public pay-roll? These questions cannot be answered without some consideration of the impact of the democratic process and pressure-group technique. Planning should be scientific. In a democracy, we know it must be popular. Some discussion of Collectivism vs. Democracy would immediately lead to a second consideration. Can political and personal freedom survive in a government so restrictive of economic freedom? "The Russian people, under a continuing group emotion, have quite generally submerged their egos and their acquisitiveness," says the author. The recent abolition of the ration cards and the long lines of purchasers at the stores hardly sustain such a thesis. Mr. Chase ably quotes Mussolini on the regimentation necessitated by even a capitalistic system. It is interesting to recall that the Italian *Führer* also said: "Liberty is a putrid corpse."

CHARLES C. ROHLFING.

University of Pennsylvania.

Labor in the League System. By FRANCIS G. WILSON. (Stanford University: Stanford University Press. 1934. Pp. xii, 384.)

In adding this book to the stream of volumes on the official International Labor Organization, Professor Wilson has contributed a healthy note of friendly criticism to the usual laudatory expositions. Contrasting the early post-war idealism in which the Organization was planned and

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inaugurated, the practical limitations and restraints imposed by the present stage of international coöperation are frankly described, with a realistic appreciation of both the difficulties and the possibilities.

Such an account, both historical and descriptive, as Professor Wilson gives is especially timely in view of the recent action of the United States in accepting membership in the I.L.O. The relation of the Organization to the League of Nations, the unique position of this country by reason of having "accepted" membership in the Organization although not a League member, and problems of American participation in the Organization's work are issues of political and economic significance upon which this book throws much-needed light. As an important member—contributing to its work nearly a third of a million dollars annually, perhaps one-eighth of the Organization's budget—the United States will also find it necessary to face questions which, as Professor Wilson shows, have perplexed the Organization, including such matters as how employers' and workers' organizations are to be genuinely represented in the International Labor Conference in the case of dictatorial Russia, Germany, and Italy; how conditions in non-European countries are to be properly considered in investigations conducted by the International Labor Office; and how labor organizations not affiliated with the International Federation of Trade Unions are to secure adequate representation in Conference deliberations.

A distinct contribution is the chapter on "Enforcement of International Labor Standards," tracing the gradual dropping of the word "sanctions" as a little too dynamic for international coöperation and the substitution in polite tones of "measure of control." The annual "report of experts" on enforcement of ratified conventions, now diplomatically termed "observations" instead of "criticisms," is found to be the result of "a delicately balanced negotiation between two conflicting points of view." Professor Wilson's book, in scholarly and sympathetic fashion, shows that after fifteen years the problem of international labor law enforcement is still too delicate for official action. The international strategists have yet to find this fundamentally important formula. The author justly stresses the important research work of the I.L.O. and its educational possibilities.

JOHN B. ANDREWS.

New York City.

Militarism and Fascism in Japan. By O. TANIN AND E. YOHAN. With an Introduction by Karl Radek. (New York: International Publishers. 1934. Pp. vi, 320.)

This volume has merit not for its information as to militaristic and fascist movements, inasmuch as numerous articles in *Chuo Koron* and

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Kaizo and the publications of the Ohara Institute for Social Research give more accurate data on this subject. Nor has it value as an objective interpretation of Japanese militarism and fascism, for this undertaking has been more adequately accomplished by Hasagawa, whose *Nippon Fascism Kenyu* ("Studies in Japanese Fascism") the authors completely ignore. Almost the only merit of the book is found in its Marxian interpretation of modern movements in the Orient. Far from achieving objectivity, the treatise is phrased in the ideology of the proletarian revolution, while the assumptions of the unrelenting Marxians—the withering away of the state and the inevitable collapse of the capitalistic system—inspire most of its conclusions. Any deviation from Marxian doctrine is corrected by the brilliant preface from the pen of Karl Radek.

The literature in English on the subject of Japanese militarism and fascism is far from satisfactory, and lest American readers may be tempted to rely upon the present book as a source of information it may be well to warn the unwary that the book is riddled with errors of fact. Particularly, in the first chapter, the indifference to accuracy in relating historical events that are pertinent to the development of capitalism in Japan, and which so closely touch the Marxian thesis of the authors, is enough to discredit the entire treatise in the eyes of Japanese scholars. Among such school-boyish blunders is the statement (p. 13) that the Mitsubishi firm came from a trading and transport company, founded in the feudal era by a prince of the Tosa clan. As a matter of fact, this firm (which shares with the Mitsui the opprobrium of corrupting the major political parties) was a relatively late comer in the world of Japanese finance, being founded after the Restoration, not in feudal times, and by a *samurai*, not by a prince of Tosa, while quickly attaining national importance through the favoritism of Okubo.

Even more serious is the implication that militaristic cabinets like those of Katsura and Terauchi ruled Japan from 1895 to 1918 (p. 175). The authors overlook the party cabinet of Okuma and Itagaki in 1898, the bureaucratic cabinets of Matsukata (1896–1898) and Ito (1898 and 1900–01), as well as the bureaucratic-political cabinets of Saionji in 1905–08 and in 1911–12, and of Okuma in 1914–16. Again, the statement that "the Japanese laws completely exempt the army and navy from control by or subjection to the parliament and the government" (p. 172) is not the entire truth. The authors fail to distinguish between the *gunreiken*, or prerogative of military command, and the *gunseiken*, or military administration. The latter is under the supervision of the cabinet, and, by means of this authority, as well as by the budget, both the cabinet and the diet have a measure of control over the army and navy.

The citation of sources of information is far from satisfactory. For instance, the authors assert (p. 277) that the revolutionizing influence of

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the Soviet Union in Japan is rapidly increasing. Although the book purports to be a documented treatise, no proof of this contention is offered. The press and governmental reports abound with evidence to the effect that Communist influence, far from increasing, is actually declining. It may be that the authors depend for their information upon the Sangyo Rodo Chosa-sho, or Industrial Labor Investigation Institute, founded in 1926 by Baron Ishimoto, which soon fell into the hands of Communists. This institute has been suppressed for several years, and its data are now far from timely.

Under the influence of Lenin's writings upon the Far East, the authors contend that the statesmen of the Meiji era aimed at harmonizing the contradictions between the feudalistic land-owners and the new capitalism. They make no reference to the memoirs of Okubo, Kido, Ito, Yamagata, and Okuma, all of which have been published recently, and which show that these statesmen deliberately copied the capitalism and industrialism of the West. Again, Marxian dialectics appear to mislead the authors when they undertake a comparison of Japanese fascism with the Italian and German brands, holding that West European fascism is primarily an instrument of finance capital, and neglecting the contribution of the Italian landowners and of the German Junkers to the fascist victory in each country. The authors are correct in their conclusion that Japanese reactionary chauvinism is truly complex. Again, they are correct in presenting finance capital and semi-feudal landowners together with the army and bureaucrats as instruments of Japanese fascism. But, while much is said about the capitalists, the landlords, and the militarists, the authors fail to develop the contribution of the bureaucrats which, in Japan, is particularly important. They also neglect the important rôle of nationalism as exhibited by the Yamato dynasty and what is sometimes called Emperor-worship as well as the rôle of religious fanaticism. As to methods of propaganda, they have largely overlooked the social demagogy employed by both militarists and patriotic Shinto priests.

In their comparison of European and Japanese fascism, the authors ignore the most outstanding difference, namely, the fact that whereas both Mussolini and Hitler have led mass movements, none of the seventy or eighty chauvinist organizations in Japan today has made headway toward a broad social base. Finally, their measurement of the effectiveness of Japanese fascism is weakened by their failure to weigh certain facts peculiar to Japan. Among these are: (1) the proneness of the Japanese people to form small and isolated societies and debating clubs of all sorts, (2) the existence of some of these societies (such as the *Genyosha*, or Black Ocean Society, founded by Toyama in 1879) for half a century without developing into mass movements, and (3) the multiplicity of such small societies having divergent ends and lacking capacity to unite

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on a common program. Within the fascist societies, the authors fail to measure the influence of the *soshi*, or professional gangsters, and of the *ronin*, wave-men or fanatical idealists.

The authors incautiously designate the *Kokuhonsya* (Society of the Foundations of the State) of Baron Hiranuma and the *Kokumin Domei* (National League) of Kenzo Adachi as the most likely organizations for establishing a dictatorship in Japan. They neglect to analyze the relations of these organizations with the bourgeoisie, the semi-feudal landlords, the militarists, the bureaucracy, and the nationalistic fanatics, and they fail to show how a fascist dictatorship in Japan could be accomplished without the aid of a mass revolution.

The work is spotted with a host of petty mistakes. To mention only a few, the Anglo-Japanese agreement for the abolition of consular jurisdiction was made in 1894, not in 1899 (p. 37); Baron Hiranuma was president of Nippon University, not of the Imperial University of Tokyo (p. 78), and a judge of the Tokyo Court of Appeals, but never president of the Supreme Court; the cabinet of Hara in 1918 was not the first parliamentary government in Japan (p. 175), the first being the Okuma-Itagaki cabinet in 1898. But enough of the catalogue of errors of fact.

The translation of Japanese names lacks precision. This defect may be due partly to the fact that some Japanese names have been translated into Russian, and the Russian text has later been translated into English without checking against the original Japanese. Thus, the *Sumitsuin*, which, in the official English translation of the constitution of 1889, has the designation of Privy Council, in the book under review, is called the "Secret Council" (pp. 174, 262). The translation of the names of fascist organizations is faulty. Thus, the *Kokoku Dosikai*, which is translated as the "Society of Free-Thinkers for the Defense of the Homeland," should be called "Emperor Tenno's Land Society." The members of this organization are reactionaries and not free-thinkers; the term "free-thinkers" does not occur in the name. Again, in recent years, scholars have accepted a standardized Romanized spelling of Japanese proper names in an attempt to indicate the Japanese pronunciation. It is to be regretted that the translator did not employ this system rather than an archaic method. Thus, *Sidehara* should read *Shidehara*, *Wesugi* should be *Uyesugi*, *Mitsubisi* should be *Mitsubishi*, and *Siakai Minsuito* should be *Shakai Minshuto*. Carelessness is displayed in such expressions as "Minseito party" and "Seiyuhonto party." The *to* at the end of *Minseito* and of *Seiyuhonto* means "party," and thus the addition of this word in translation is repetition.

The reviewer is loathe to offer the severe criticisms above set forth. His task has not been undertaken in an attempt to expose what may pass for scholarship in the land of the Marxian experiment. But, in view of

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the uncritical praise lavished upon this book in several journals, and in view of the considerable amount of undisciplined literature recently published in the field of the Far East, it is high time that some protest be made in the name of scholarship.

KENNETH COLEGROVE.

Northwestern University.

The Sino-Japanese Controversy and the League of Nations. BY WESTEL W. WILLOUGHBY. (Baltimore: The Johns Hopkins Press. 1935. Pp. xxv, 733.)

While the League of Nations is making strenuous efforts to control Italian aggression in Ethiopia, it is worth while to read Professor Willoughby's detailed account of the League's effort four years earlier to control Japanese aggression in Manchuria. Particularly will interest attach to the author's careful judgment on why that attempt, for the time at least, failed. The League failed, he thinks, not because of peculiar difficulties in the controversy, or structural weaknesses in the League's organization, or inadequacies in the Covenant, but because the responsible and dominating members of the League (especially France and England) were unwilling to do more than to attempt conciliation and to declare the respects in which Japan had violated her obligations (p. 661). Professor Willoughby also emphasizes the unfortunate influence of the United States in discouraging the sending of a commission to supervise Japan's pledge to withdraw her troops to the railroad zone in September, 1931. He, however, does not believe that the commission would have been sent, even if the American attitude had been otherwise (p. 659). The reviewer wonders whether a careful reader of Professor Willoughby's detailed narrative of this episode will support a conclusion so fortunate for the United States (pp. 65–68). But whether the United States, Great Britain, or France was most to blame, it seems fairly clear that a want of firmness by the powers in pressing for immediate withdrawal of troops and providing a commission on the spot, before Japan's aggression had developed into occupation, was a major factor in accounting for the failure of the League's procedure in this instance. The contrast between the vigor of the League in the Greco-Bulgarian case of 1925 and its hesitations in the Manchurian case are emphasized, with a suggestion of circumstances in the two cases accounting for this difference of treatment (pp. 189–191).

This bulky volume of over seven hundred pages supplements the series which Professor Willoughby has previously produced on Chinese affairs (*Foreign Rights and Interests in China*, 1927; *China at the* [*Washington*] *Conference*, 1922; and *Opium as an International Problem*, 1925), and will probably be for a long time the best compact account of the Manchurian

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incident. The background of the dispute is dealt with briefly, but the most important official speeches and documents concerning the controversy itself are quoted at length with adequate textual explanation. The procedure of the League, and of the United States, is dealt with in proper chronological sequence, and in addition there is a juristic appraisal of the various Japanese defenses, such as the non-existence of war; necessity for self-defense; treaty violation, illegal boycott, and chronic disorder in China; self-determination in Manchukuo; Japanese "life-line"; "Japanese Monroe Doctrine"; *de facto* autonomy of Manchuria before the incident; and the resort to similar methods by other great powers in the past. Professor Willoughby is careful to explain his position as adviser to the Chinese government both during this controversy and since, but nevertheless his narrative is objective and his conclusions well supported, although he finds little juristic merit in the Japanese contentions.

It may be questioned whether Willoughby is accurate in finding in the Japanese reply to the Stimson doctrine the proposition that "if the end be a proper one, improper means may be employed to obtain it." The Japanese statement actually expressed "an academic doubt whether, in a given case, impropriety of means necessarily and always voids the ends secured" (pp. 208–209). It may also be questioned whether under international law the acceptance of an *exequatur* by a consul from *de facto* authorities constitutes recognition of the government under which those authorities act (p. 527); see Harvard Draft on Consuls, Article 6, *American Journal of International Law*, Special Supplement, January-April, 1932, p. 238.

The book contains little new material, although in a few cases the writer gives information or informed speculation on transactions not recorded in documents, as for instance on the Chinese intention to insist upon an investigation of the "dual government" of Japan if Japan sought to have the Lytton Commission expressly empowered to investigate Chinese internal conditions (p. 199).

The book, however, is not primarily a treatise on international law or a diplomatic history, but an adequate reference book upon a particular incident of great significance in respect to Far Eastern problems, to the evolution of League procedure, and to the development of effective methods for controlling international violence. For this purpose, it will prove extremely useful.

QUINCY WRIGHT.

University of Chicago.

The Case for Manchukuo. By GEORGE BRONSON REA. (New York: D. Appleton-Century Company. 1935. Pp. viii, 425.)

This is a propaganda volume with occasional passages of some value. The author says in his introduction: "I am the representative of Man-

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chukuo in the United States. I am its advocate. I am partisan in its defense." It is in this spirit that he has written an *apologia* for Manchukuo and Japan. The book contains few facts that are not well known; it does not base its defense upon a careful consideration of evidence, but upon general statements as to Japan's rightful position in the Far East and a comparison of its actions with those of other imperialistic states in the past. The work is marred by exaggeration, inaccuracies, and specious reasoning. It does serve, however, to give to the ordinary American reader, for whom the volume is written, a more sympathetic understanding of the viewpoints of the Japanese. It contains, too, some information of historical value in regard to certain events in China with which Mr. Rea was personally connected.

The book is devoted in the main to a justification of the creation of Manchukuo, a general defense of Japan, an attack on American policies, and a plea that the United States should understand Japan's peculiar position, recognize the reasonableness of its actions, and come to some agreement with it. As for the independence of Manchukuo, the author frequently states and almost constantly implies that it was the people of Manchuria who created the new state. Nevertheless, he admits at one point that independence was the work of a minority of the Chinese in Manchuria, and that it "could never have been brought about without encouragement and aid from the Japanese" (p. 155). In fact, he even says: "Let us grant that the Japanese set out deliberately to liberate Manchukuo" (p. 160). Nevertheless, this action was justified because of the bad government existing in Manchuria. Furthermore, since Japan had a moral claim to own Manchuria, largely as a result of its victory over Russia in 1905, its recognition of Manchukuo and its pledge to protect it, "far from being an act of aggression or territorial conquest, constituted one of the most striking gestures of self-denial and altruistic statesmanship recorded in modern history"! (p. 103). The general justification of Japan, the author bases upon its need of defense, of expansion, and of increased markets. The real issue, however, he states, is between Japan and Russian communism; to obtain security against the Soviet menace, Japan is entitled to take any adequate measures, such as the creation of an independent Manchuria; in fact, "a strong China becomes a menace to Japan" (p. 25). As for the United States, its policy of the integrity of China, which is embodied in the Nine Power treaty, helps to perpetuate anarchy and misery in China; "We [Americans] are largely responsible for the situation in the Far East" (p. 16). In conclusion, the author says: "If the people of the United States are possessed of even common intelligence, they will demand an immediate revision of the Far Eastern policy of their government" (p. 389).

GEORGE H. BLAKESLEE.

Clark University.

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BRIEFER NOTICES

American National Government and Politics

The recent federal attempts to regulate labor relations have led to the setting up, first, of the National Labor Board, by presidential decree, based on N.I.R.A.; next, to the National Labor Relations Board, based on Public Resolution No. 44 of 1934; and finally to the present National Labor Relations Board, founded on the Labor Relations Act of 1935. Special executive orders have also created separate labor boards for particular industries such as petroleum, automobile, steel, etc. The history of this movement up to, but not including, the act of 1935 is given in *Labor Relations Boards* (pp. 477), by Lewis L. Lorwin and Arthur Wubnig, published by the Brookings Institution and prepared under the immediate direction of Leverett Lyon of the Brookings staff. The work is the sixth of a series of inquiries on various phases of the Recovery laws undertaken by the Brookings Institution. The authors point out that the several boards, taken together, have developed a species of common law based on the principles of 7(a). They sum up these principles as follows: "(1) it was unlawful for an employer to impose on his workers any scheme of collective bargaining against their will; (2) workers were lawfully free to choose between representation by trade unions or company unions; (3) the government was to settle representation controversies by elections or by other means of ascertainment; (4) the labor boards were to define appropriate units for collective bargaining in all cases where questions of this nature were raised; (5) the labor organization which commanded a majority of the voters among the employees engaged within the collective bargaining unit was entitled to certification as the employees' representative; (6) the employer was obliged to 'recognize' representative labor organizations; that is, to negotiate with them in good faith; (7) employers and employee representatives alike were bound to 'exert every reasonable effort' to make and maintain collective agreements; (8) no employer was to lay off, discharge, or otherwise discipline his workers for their union membership or activities." In substance, these principles have been taken over into the new act of 1935. The authors have performed an admirable service in describing the issues arising, the procedure of the boards, the main conclusions and the methods by which they were reached. One factor of vital importance has been omitted. The success of a government policy on "relations" must depend largely upon the responsive attitude which the government inspires in *both* parties. The acts thus far passed and the official statements of leading administrators have left no reasonable doubt that the government was imposing severe legal obligations on employers but absolutely none on closed-shop unions. It is hard to see how a fair, impartial law of labor

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"relations" can be built upon this philosophy. Nor is it easy to expect reasonable fairness in interpretation when the chairman of the NLRB of 1934–35 publicly states: "We [the board] should be partial, but not prejudiced." The authors might with exact truth have pointed out that our present federal labor policy has become political and has sought to protect the worker only against the employer, leaving him defenseless as against the closed-shop union.—JAMES T. YOUNG.

Tobacco and the A.A.A. (pp. ix, 317), by Harold B. Rowe, and *Wheat and the A.A.A.* (pp. xiii, 418), by Joseph S. Davis, are the first two of a "concurrent study of the operation of the Agricultural Adjustment Act" to be made under the auspices of the Brookings Institution. The aim of these studies is to determine whether, during the first two years of its operation and in accordance with its basic purpose, the Act has raised the prices of tobacco and wheat. Mr. Rowe believes that the tobacco program "has been effective in obtaining substantial benefits for producers both in 1933 and 1934. Growers' aggregate incomes from tobacco production increased very considerably in these years because of the price enhancements attributable to the program, and because of the benefit payments made in connection with the production control plans." On the other hand, Mr. Davis concludes his study of wheat under the A.A.A. with the following statement: "Nor has the program demonstrated its ability to raise farm prices materially. Nearly all of the striking net advance, in cents per bushel, I cannot help attributing to droughts in combination with the tariff, with some influence from dollar depreciation." At the same time, Mr. Davis believes that the benefit payments which wheat farmers received from the government have improved economic conditions generally in the wheat-growing sections of the United States. The farmers have used these payments to discharge their debts, pay taxes, and purchase farm equipment. In these areas, the banking situation is better and local business has materially advanced. The authors of these treatises omit consideration of the constitutionality of the Agricultural Adjustment Act in its relation to tobacco and wheat. Further, the problems of administrative organization and administrative procedure which the act occasioned are treated but slightly. However, these factors will receive attention in a concluding volume of the series, designed to assess the government's agricultural program under the A.A.A. as a whole.—GEDDES W. RUTHERFORD.

The director of the Food Research Institute of Stanford University has subjected to detailed analysis the foreign trade aspects of Secretary Wallace's agricultural program. *The New Deal and Foreign Trade* (Macmillan Co., pp. xii, 301), by Alonzo E. Taylor, is not, except incidentally, an appraisal of the operations of the entire New Deal policy. Its scope is

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limited, rather, to the program as outlined specifically by Wallace in his Foreign Policy Association pamphlet *America Must Choose* and in his book *New Frontiers*. Dr. Taylor is frankly skeptical concerning the Wallace program. Criticism centers upon (1) an over-simplification of the statement of problem and solution, and (2) the order of procedure for restoring foreign trade. In regard to the first, the author believes that the regimentation of agriculture supplementary to acreage reduction as well as the adjustments necessary on the part of industry incidental to such a program will far exceed in difficulty the forecasts and hopes of the Secretary of Agriculture. This will be due partly to difference in facts used by Dr. Taylor and Mr. Wallace, partly to difference in interpretation of accepted facts. In regard to order of procedure, the author believes that the New Deal over-emphasizes the significance of tariff reductions and urges that revival of foreign trade will come rather as the result of the following procedure: (1) revaluation of currencies and stabilization of foreign exchanges; (2) removal of extra-tariff obstacles which have become especially prevalent since the World War; (3) lowering of import duties. Further criticisms center about the under-estimation of acreage reduction; the failure to recognize that the United States has had an average passive balance of trade during the last ten years (it is not asserted that it was sufficiently passive to compensate fully for our credits); over-sanguine hopes as to the willingness of other nations to accept our increased agricultural exports; and the minimizing of the complexities involved in establishing international trade on the basis of bilateral treaties rather than on the basis of the classical theory of multangular trade. Students of politics will be particularly interested in the author's postulate that a successful foreign policy must be based upon good intentions, discriminating intelligence, reliable mechanism, and sustaining discipline. He concludes his analysis of Secretary Wallace's contribution to the New Deal foreign policy with the judgment that it "is based on the best of intentions; it has available a limited and imperfect technical intelligence, due to indeterminateness of social and economic factors; it employs a mechanism not proved by experience and showing many obvious defects; finally, there is no evidence that we possess the discipline to carry through the plan" (p. 294).—WALTER H. C. LAVES.

National Planning and Rural Life (University of Chicago Press, pp. 156) contains the proceedings of the American Country Life Conference held in Washington November 16–19, 1934. It includes eleven addresses of which five consist largely of a presentation of the "New Deal" agricultural and land policies, with a slant toward the social aspects of rural life. A paper dealing with international planning makes a plea for free exchange of goods between nations. One paper reviews the trends in

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population in the United States, particularly the differences between rural and urban birth-rates, and concludes that "a civilization, to be permanent, must be based on agriculture or some other culture in which the family is the economic unit." A rural sociologist deplores the curtailment of expenditures for rural education and the fact that the division of subsistence homesteads is "interested in building houses, not communities." Decentralization of industries and part-time farming are suggested by several of the "New Deal" papers as one of the solutions of our rural problems. Another rural sociologist reported that there is as yet no active rural youth movement, and two papers were largely reminiscent in character and reviewed the past achievements of the rural life movement.—GEORGE S. WEHRWEIN.

STATE AND LOCAL GOVERNMENT

The Municipal Year-Book, 1935 (International City Managers' Association, pp. x, 392), which, like its predecessor, is edited by Clarence E. Ridley and Orin F. Nolting, not only maintains the standard set by the initial issue but contains added features of interest. Until the appearance of the first issue of this manual in 1934, there existed nowhere a convenient compendium of facts and figures relating to municipal government in the United States. Part I consists of a series of twenty-five short summaries, together comprising something over a hundred pages, dealing with events and developments in as many fields of municipal administration in 1934. Part II, made up largely of statistical matter and explanatory text, presents in tabular form certain information concerning the 960 cities of the United States having more than 10,000 population. In addition, there is presented new matter, including tables of the number and distribution of all units of local government and of all municipal districts in the country. There also appears a summary of the legal provisions governing the classification of cities in the several states. The third part, devoted to personnel, includes a voluminous directory of the officials of cities of over 10,000 population. In addition are included data not hitherto readily available with respect to state municipal leagues and professional organizations of city officials, as well as concerning personnel and retirement systems. Part IV is devoted to tables containing financial statistics of cities which present this information in advance of the publications of the Bureau of the Census, and which, since they are compiled from independent sources of information, will be of interest for comparison with the census reports when they appear. To the foregoing are added a tabulation of "services of national organizations and federal agencies" and a selected bibliography of books, pamphlets, and reports appearing in 1934. In an annual publication, repetition of certain portions is inevitable and is especially convenient for those who do not have access

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to a complete file of the publication. Opinion will doubtless differ as to the relative desirability of the continuance in future issues of the extremely rigorous space limitations placed on the contributors of the summaries of events as compared with the present policy of compression to gain place for the special features. The publication will in either case form a very useful handbook for both students and practical administrators.—FRANK G. BATES.

In the spring of 1934, Governor George H. Earle and many other prominent citizens of Pennsylvania urged the calling of a constitutional convention for the purpose of remodeling the state's venerable (1874) fundamental document, which was unquestionably obsolete. An investigating commission appointed a decade and a half earlier had recommended one hundred and thirty-two changes. Clearly the time was ripe for some constitutional house-cleaning. The officers of the American Academy of Political and Social Science considered the matter so important that they devoted the Academy's spring session to state constitutional revision—in Pennsylvania and elsewhere, but chiefly in Pennsylvania. The papers presented on this occasion have been gathered together, a few articles by other persons have been added, and the result is the September, 1935, issue of the *Annals* (pp. ix, 233), devoted to "The State Constitution of the Future," and edited by C. N. Callender, E. W. Carter, and C. C. Rohlfing. Admittedly this issue is topheavy with discussions of Pennsylvania's experience and Pennsylvania's needs, but, as the editors point out, "generally the principles discussed are equally applicable to all states." Most of the articles are well worth reading. Some are excellent. The reviewer cannot hope to mention by name every article that merits the attention of students of government, but he would be false to his trust if he did not make at least passing reference to Stuart H. Perry's excellent discussion of methods of judicial selection, Thomas Reed Powell's penetrating analysis of the Supreme Court's probable attitude toward social security legislation, and Charles C. Rohlfing's careful summary of present methods of amending and revising state constitutions. When the voters of Pennsylvania went to the polls in September, they voted three to two against a state constitutional convention. Therefore the present constitution must continue to serve the state for some time to come. But the agitation for revision was not entirely in vain; at least it led to this excellent compilation of articles on constitutional problems.—AUSTIN F. MACDONALD.

A field generally not regarded as belonging to the political scientist is explored by Robert H. Connery in *Governmental Problems of Wild Life Conservation* (Columbia University Press, pp. 250). In dealing with the general problem of protecting game and fish from predatory individuals,

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often commercially organized, the author has been compelled to discuss certain matters commonly left to the professional biologist and naturalist. The bulk of the study, however, is concerned with such questions as federal-state relations in conservation policy, the legal authority of both state and federal governments, administrative structure, and law enforcement. The author finds that, on the whole, there are few legal obstacles to carrying out a sound policy of conservation, and that the chief problems arise in connection with administration. Among these latter may be mentioned: the desirability of a reorganization on the federal level which "will bring all the federal conservation agencies together into one group," the introduction of some device by which violators of federal law may be more conveniently and speedily disposed of than through action in the district courts, the improvement of state enforcement through the integration of scattered agencies and more careful selection of personnel, and the securing of more adequate support of research and experimentation. Many of these problems are already in process of solution, and the fact that the desirability of a more vigorous policy of conservation is widely accepted points to further progress in that direction. Though these conclusions may not be novel, the study fills a gap in the monographic literature of administration.—LANE W. LANCASTER.

Continuing the Poor Law Studies in the University of Chicago series, Grace A. Browning has contributed *The Development of Poor Relief Legislation in Kansas* (University of Chicago Press, pp. xiii, 157), with appendices and court decisions by S. P. Breckenridge. The monograph presents a very serviceable history of the development of poor law legislation in Kansas, including the revision of poor relief administration in 1933. The analysis of the Kansas statutes is accurately done, and Miss Browning has made excellent use of the information available. The study is a clear statement of the general principles of the poor law in Kansas, of its administration, and of the handling of special classes under the poor law. In addition to the discussion of local administration, there is summarized the extent to which the state has made special provision at times of particular economic emergencies, from the early special appropriations to the destitute settlers on the western frontier through the emergency legislation of 1933.—FREDERICK H. GUILD.

In *What the Depression Has Done to Cities* (International City Managers' Association, pp. v, 57) is presented an appraisal of the effects of the depression on various municipal activities—finance, personnel, planning, welfare, parks and recreation, health, housing, police, public works, fire, utilities, schools, and libraries. These activities are discussed by writers who are authorities in their respective fields. Not only do they

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consider the effect of the depression up to the present time, but they attempt to evaluate the permanent effects. Though the depression has led to the curtailment of essential services, the picture presented as to the results is encouraging. Most of the writers see no permanent bad effects. Some see permanent good effects, resulting from new devices and procedures which cities have been forced to adopt during the depression. —CHARLES M. KNEIER.

FOREIGN AND COMPARATIVE GOVERNMENT

Trends in Australian Politics (Angus and Robertson, Ltd., pp. vii, 263) is composed of seven papers read at the Summer School of the Australian Institute of Political Science in 1935. The first two, by Australian politicians, present the history of political parties during the last generation. The paper by the Hon. D. R. Hall contains an interesting study of the effect of the radio upon Australian politics. His experience is that it has greatly diminished attendance at political meetings, and that only politicians of national reputation can hold their radio audiences. The effect of this, combined with the increasing cost of electioneering, "is to strengthen the power of the leaders . . . making it less and less possible for independents or new parties to get a vote." Mr. McCallum analyzes the economic bases of Australian politics in a detailed and informing paper. He sees little virtue in any save the Labor party, and not too much in that. He considers that compulsory voting has brought to the polls the "slum proletariat" and has lowered the tone of public life, especially in the Labor party. This vote can be bought only by "the mass bribe and the sadistic pleasure that comes from making the comfortable classes uncomfortable." Mr. Piesse gives a good analysis of the pros and cons of the secession movement in Western Australia. Professor Charteris concludes that Australia is dissatisfied with her politicians but not with democracy. Professor Bland presents carefully elaborated plans for revivifying the nominal control of Parliament over the cabinet, improving the cabinet's efficiency, removing the civil services from political control, and increasing their efficiency. Mr. Mauldon gives a detailed analysis of the state administrative agencies in Victoria. This book will be of interest to students of political parties and of civil service organization.—LENNOX A. MILLS.

The dilemma of whether to retain the British protectorates of Bechuanaland, Basutoland, and Swasiland under the control of the Imperial government or to transfer them to that of the dominion of South Africa is emphatically a case where much is to be said on both sides. In *The Protectorates of South Africa; The Question of Their Transfer to the Union* (Oxford University Press, pp. 119), Mr. Lionel Curtis argues in favor of

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immediate transfer, while Miss Margery Perham opposes it. Both write from first-hand knowledge of South African conditions. Mr. Curtis admits that South Africa's treatment of its Negro population is "terribly amiss"; but he argues that improvement can come only from a change in the South African outlook, which will not take place so long as a more liberal native policy is identified with the retention of Imperial control. This would be tantamount to censuring the present policy and would play into the hands of the Dutch extremists whose creed is compounded of republicanism and no equality between black and white in church or state. He admits that the Negroes are strongly opposed to South African control; but he would disregard their wishes for their own ultimate good, and because while pledged to consult them the Imperial government is not bound to accept their advice. Miss Perham agrees that ultimately the protectorates must be transferred, but advocates delay, since she is doubtful whether trusting South Africa would inspire it to change its native policy. She considers that the spirit, if not the letter, of British promises to the Negroes forbids a transfer in face of their hostility to it.—LENNOX A. MILLS.

Much of the current discussion about the new constitution in India has centered largely on its political aspects. *The Reforms Scheme—A Critical Study* (Longmans, Green and Co., pp. v, 189), by D. N. Banerjee, approaches the subject primarily from the economic angle. The author, who is professor of economics and politics at the University of Dacca, India, brings out the fact that while the new constitution offers a few political concessions, they are not of a kind to disturb the pillow of the English governor-general. Moreover, the Indian nation is now to be subjected to a more severe and extended economic exploitation than before. The Indian legislature is not only to be deprived of control over the army, navy, foreign relations, banking and currency, but by a system of "safeguards" the vital economic interests of the country will be subordinated to those of the British. Even to introduce a bill in the legislature for the development of the coastal traffic will be *ultra vires*, as it may interfere with the vested interests of the British shipping companies in India. Professor Banerjee contends that under the new régime of the governor-general, who is armed with an absolute veto, the economic position of the nation will be even worse than it is today. No one who is interested in the study of modern economic imperialism should fail to give this book attention.—SUDHINDRA BOSE.

The first comprehensive picture of women at work and at home in Soviet Russia has been prepared by Professors Susan M. Kingsbury and Mildred Fairchild of Bryn Mawr College. *Factory, Family, and Woman in the Soviet Union* (G. P. Putnam's Sons, pp. 334) contains much valu-

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able data concerning labor conditions in pre-war and post-war Russia, with the emphasis placed upon effects on women and the home. The first part of the book, written by Miss Fairchild, analyzes industrial life and presents material on recent developments, including incentives and re wards, trade unions and the status of women, the rôle of labor protection in Soviet industry, and the drive toward collective farming. Part II, written by Miss Kingsbury, discusses social life, with special reference to social economic security, education of the adult masses, workers' education, housing and the home, standard of living, and recent developments in family life. The writers conclude that the most interesting aspect of Soviet women's advancement into new forms of work long considered men's prerogative is the effect upon family relations and functions, upon children, and upon the whole culture pattern. Women as individuals and the family as a group have gained not only in material things but in the place of the mother in the family unit and in the fundamental principles underlying social relationships.—HELEN I. CLARKE.

About one-half of volume 22 of the *Jahrbuch des Oeffentlichen Rechts* (1935, pp. 576) deals with governmental developments in Germany from January 30 to December 31, 1934, by Professor Fritz Poetzsch-Heffter, Dr. Carl-Hermann Ule, and Dr. Carl Dernedde of the Institut für Staatsforschung in Kiel. This includes sections on the national socialistic revolution, authoritarian leadership, the totalitarian state, and law, based largely on official documents. Other articles deal with the development of public law in Prussia from May 1, 1930, to November 1, 1934, the Austrian constitution of 1934, constitutional development in Estonia, 1929–34, the expansion of the governmental system in Italy, 1928–34, and the development of Polish public law, 1921–34. Previous volumes of this serial, in recent years, include articles on public law in Germany and several of the German lands, on most of the European countries, and also on Argentina, China, Japan, Irak, and one (in volume 20 for 1932) on the development of American public law since the War, by Professor Carl J. Friedrich of Harvard University.—JOHN A. FAIRLIE.

INTERNATIONAL LAW AND RELATIONS

The Study of International Relations in the United States (Columbia University Press, pp. ix, 453), edited by Edith E. Ware, surveys research, education, study, and discussion of international relations in the United States in 1934. There is a description of agencies of research which plan, coördinate, finance, and facilitate the scientific study of international relations, which include institutes and foundations, universities, and business and financial organizations. Much of this work was begun following the World War and reflects a new concern with world affairs.

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Proceeding on the theory that it is not only the research, but dissemination of information gained in research, that is significant for readjustments of American attitudes toward the outside world, the survey includes the popularization of knowledge. It covers, on the one hand, formal education in universities, high schools, elementary schools, and schools for adult education; and on the other hand, other education carried on by agencies such as the Foreign Policy Association, religious organizations, and student and professional organizations which promote contacts between the nations. The information given forms an essential addition to our knowledge of recent trends, and one which was neglected in the report of the President's Committee on Social Trends. Different sections of the book are contributed by various specialists on the topics treated. The material is primarily descriptive, rather than interpretative. Professor James T. Shotwell, as chairman of the American National Committee on Intellectual Coöperation of the League of Nations, which sponsored the work, traces the changing attitude of the United States toward world problems and stresses the necessity of adequate facilities for research and of discussion agencies in order that readjustments may be facilitated so that the United States may participate successfully in the world community.—CHESNEY HILL.

Students of international law will appreciate Professor Charles G. Fenwick's *Cases on International Law* (Callaghan and Company, pp. xxiii, 815). This collection evidently aims to serve as a text primarily for classes depending exclusively on the case method of instruction. For such classes, the introductory notes which precede each chapter will be found of practical assistance, especially when the teacher, as often happens, is not sufficiently familiar with his subject to supply the appropriate observations and criticisms necessary as a background for a stimulating recitation. Professor Fenwick's book will prove useful also as a supplementary text for college classes that use his own justly valued text-book on international law, because the two follow the same general plan of classification. The rank and file will be grateful no doubt that the learned array of footnotes which traditionally weigh down the pages of their case books is omitted. Relatively few are the students who will feel the loss. The space thus gained has been used to include additional court decisions and arbitral awards. The selection from the latter is especially complete and includes the important World Court decisions. The large number of national court decisions makes this case-book, like its predecessors by Scott, Evans, Dickinson, and Hudson, especially adapted for law school classes. There is as yet no single-volume American case-book especially prepared to meet the needs of college instruction, rather than of those preparing to practice law. Such a text should, of course, also include

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international incidents which disclose the principles through the application of which international controversies have been settled. They serve as important precedents to indicate the application of international law in actual state practice. As such, they are perhaps the most important sources of that law. A considerable portion of international law cannot be found elsewhere. The author in his preface notes this lack, yet fears that "the result would not be a 'case-book' but a treatise in many volumes, suited rather to the uses of the Department of State than to those of the ordinary practicing attorney." It is not understood why typical examples of diplomatic incidents under each heading might not replace an equal number of municipal court cases and leave the product more thoroughly representative and comprehensive. It must be admitted, however, that the inclusion of such material might render the text less attractive for law-school teachers and students for whom it is now especially appropriate. The author and the publisher are to be complimented upon this admirably clear and conveniently arranged text-book.—ELLERY C. STOWELL.

It is a lucid, penetrating, and hard-boiled analysis of our post-Versailles diplomatic flounderings which Frank H. Simonds presents in *American Foreign Policy in the Post-War Years* (Johns Hopkins Press, pp. 155). This 19th volume of the Albert Shaw Lectures on Diplomatic History appears without benefit of footnote or bibliography, but is certainly not the least worth-while volume in the series. Dr. Simonds sets forth with candor and self-conscious "realism" his firmly-held convictions. If his ideas of international law and the function of the Permanent Court of International Justice verge sometimes on the naïve, his opinions on *Realpolitik* will nevertheless give comfort to Mussolini, British navalists, and American isolationists. "Idealists" who believe—even today—that two wrongs do not make a right, who hope to build the League of Nations into a better mechanism for preserving peace, or who merely feel that there are certain fundamental principles of morality which should be developed between states, as among men, will be less pleased with his conclusions. The book is undoubtedly the most refreshing and, on the whole, the most competent account of our post-war diplomacy. The United States, a debtor nation owing three billions of dollars, was suddenly called upon to play the unaccustomed rôle of a creditor country to whom the world owed fourteen billions. Great Britain had long been able to play the rôle of a creditor nation by employing a technique which involved "the sacrifice of domestic agriculture to industry, the adherence to free trade and, finally, the constant re-lending abroad of that part of the interest upon foreign holdings for which they could not accept payment in kind." This policy was open to the United States only in theory,

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continues Dr. Simonds. "No administration, whether Democratic or Republican, could even dream of following the British example of 1846 and scrapping American agriculture in order to expand foreign trade or to collect foreign debts." Nor could we adopt free trade. Until the crash, therefore, we loaned Europe money to pay the interest charges on what she already owed us and attempted the impossible by playing the rôles of debtor and creditor countries simultaneously. Later, at the London Economic Conference, we were to attempt another impossible combination: currency stabilization abroad and progressive devaluation at home. Then there was the American peace program. We advocated the moral internationalism of the Kellogg Pact and the Disarmament Conference, while attempting to preserve our political and military isolation—and naval parity. To achieve world peace without paying for it, says Dr. Simonds, we were guilty of a further monstrosity: we "invented the convenient fiction that war is morally wicked and materially unprofitable" because we "had realized the material ambitions of our people completely. We, therefore, offered Japan, Germany, and Italy partnership in a peace association in which we were assured lasting prosperity and they were condemned to continuing poverty. . . ." Should we enter the League? No, says Dr. Simonds. France and England are in the League because that organization is for them merely a continuation of their pre-war foreign policies. Our foreign policy requires only arbitration, naval parity, limitation of armaments, and a protective tariff. He "rejects the double assumption that American security depends upon the perpetuation of European peace and that, as a member of the League, the United States could prevent European conflict."—HERBERT W. BRIGGS.

In his *Labour and War* (Allen and Unwin, pp. 216), Bjarne Brattoy presents a pioneering study of the possible contribution of labor to the international community's efforts to prevent war. By "labor" is meant the organized section of the working-class. By "war" is meant the illegitimate use of armed force. The author begins with a penetrating exposition of the system which the states have built up for the purpose of establishing security against the law-breaker. International solidarity is more widely recognized than ever before, but has not found expression in political institutions which must necessarily be perfected to make good the pledges against war. In the second part of the book, he describes the several efforts to unify the working-class and the partial success achieved. He is well aware of the difficulties these efforts have encountered. For example, the workers are handicapped by lack of means of intercommunication and of meeting in representative international assemblies. Even were these overcome, the author wonders whether the workers can be made to act as a unit to achieve an end, such as the prevention of war,

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which is not an immediate interest, such as reducing the hours of labor. He also sees a real obstacle to concerted action in the exaggerated national allegiance from which labor is no more free than other individuals. In the third part of the book, Mr. Brattoy considers the use of the general strike as a weapon against an aggressor state. He points out that the summoning of the meeting of the Council under Article 11 of the League Covenant might be a signal for labor action which could back up the Council's efforts. In the present state system, there is an opportunity for labor to assist in solving the problem of war if it will follow the path already marked out for it by some of its leaders. Mr. Brattoy has written a stimulating book. Its style is difficult, owing, perhaps, to the author's careful reasoning; but the content repays the effort of the reader.—HOWARD B. CALDERWOOD.

The general public has regarded diplomatic tension between France and Germany as a permanent feature in the ever-changing picture of international relations. Contemporary political observers and historians, however, have always known that there have been periods in which the foreign ministers of the two powers realized the advantages of accord, adjusted difficulties amicably, and attempted to discover spheres of common action which would foster the vital interests of their respective countries. In *The Bismarckian Policy of Conciliation with France, 1875–1885* (University of Pennsylvania, pp. viii, 238), Miss Pearl Boring Mitchell has set herself the task of investigating the conciliatory policy of Bismarck from 1875 to 1885. In developing this theme, she devotes chapters to the curve of friendly relations between the two states, post-war chauvinism, the crisis of 1875, the *détente* which followed, Bismarck's deference to the French view in the Near East, German support of French expansion, the establishment of an entente, attempted coöperation in Egypt, and the revival of distrust. The author concludes that the Bismarckian policy of conciliation was initiated because of the failure of the policy of isolating France which had just been demonstrated by the crisis of 1875. The new policy met with temporary success because of the influence of Thiers, the dislike of both governments for the policy of Russia in the Near East, and the common anti-clericalism of Bismarck and the Republican party in France. The fundamental obstacle to its adoption as a permanent policy was the question of Alsace-Lorraine. The author has discussed this comparatively well-worn subject with insight and maturity of judgment and in a style of unusual distinction.—C. P. HIGBY.

A concise statement of the financial complications in Germany since the Treaty of Versailles may be found in *Germany's Foreign Indebtedness* (Oxford University Press, 1935, pp. vi, 124), by C. R. S. Harris. In this monograph, prepared with the assistance of the Information Department

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of the Royal Institute of International Affairs, Dr. Harris leads the reader from the origins of Germany's foreign indebtedness, under reparations, through the boom of foreign loans to German municipalities and industries, with its reaction in the crisis of 1931 and the stand-still agreements, into the maze of recent governmental regulations aiming to protect the foreign exchange rate of the mark. The various laws and decrees enacted since 1931 are subjected to close analysis to determine their effect upon Germany's foreign exchange position, but particularly to ascertain their consequences for foreign creditors of the Reich. Concluding that Germany's credit has been materially injured by the policies pursued, the author suggests that other methods of solving the foreign exchange problem were open to the government, and might well have been adopted. The book constitutes a very valuable and much-needed summary of Germany's economic policy.—WALTER H. C. LAVES.

The sixth volume of the *Diplomatic Correspondence of the United States: Inter-American Affairs, 1831–1860* (Washington: Carnegie Endowment for International Peace, pp. viii, 735) contains selections from the correspondence of the American State Department and the Dominican Republic, Ecuador, and France. Approximately equal space is devoted to each country. The Dominican section is largely concerned with correspondence growing out of the efforts of the Black Republic to obtain recognition, and the ambition of various countries, including the United States, to obtain concessions in the bay of Samana. The problems of Ecuador in the period were also those of recognition, with the rising and falling fortunes of ex-President Flores' effort to regain control of the country complicating the process. French interests in Latin America ranged from a blockade of Argentina to Mexico and Texas, and to strenuous efforts to interfere in Dominican affairs. Slavery, claims and claim-making, and the navigation and possession of the Amazon River furnished constant problems for American commissioners in these countries. Like its predecessors in this series, the volume has been carefully and skillfully edited by Dr. William A. Manning. There is a list of documents in the front of the book and a comprehensive index of twenty-six pages.—W. B. HESSELTINE.

In *Costa Rica and Civilization in the Caribbean* (University of Wisconsin, pp. 170), Chester Lloyd Jones has given us, in compact form, an admirable presentation of the essential economic, social, and political factors that have shaped the history of Costa Rica. The author has a first-hand acquaintance not only with the countries of Central America, but with many of the other Latin American republics. His conclusions, therefore, give evidence of a breadth of vision which lends special significance to his estimate of civilization in the Caribbean in general and in Costa Rica in

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particular. In addition to his analysis of the forces that have shaped the history of Costa Rica, Dr. Jones has made a succinct and illuminating presentation of the important factors shaping the entire Caribbean civilization. This constitutes a most valuable supplement to his study of Costa Rica. It is sincerely to be hoped that the University of Wisconsin will continue this series of monographs so as to include all the republics of Latin America.—Leo S. Rowe.

With the United States now a member of the International Labor Organization, considerable attention will no doubt be attracted by the revised edition of Boutelle Ellsworth Lowe's *The International Protection of Labor* (Macmillan Co., pp. lxxiii, 594). This work was first published in 1921. Now, besides the original material, there is included an account of the sixteen additional sessions of the General Conference, of the allotment to the United States and Russia of the permanent seats on the Governing Body formerly held by Belgium and Canada, and of the legislative developments of the New Deal in relation to American participation in the formulation and application of international labor conventions or the principles contained in them. The appendices constitute a complete documentary history from the proposals of the Congress at Roubaux in 1884 through the recommendations and draft conventions of the eighteenth session of the General Conference in 1934. There are also two bibliographies covering the earliest and latest phases of this subject.—Donald C. Blaisdell.

POLITICAL THEORY AND MISCELLANEOUS

The *Student's Guide to Materials in Political Science* (Henry Holt and Co., pp. 426), prepared by Laverne Burchfield under the direction of the subcommittee on research of the committee on policy of the American Political Science Association, will be of distinct usefulness to reference librarians and persons beginning research in government and public affairs. Major emphasis is on the materials of American government and international law and relations, but items on foreign governments, political theory, and fields closely related to government fill several pages. The preface promises to introduce the student to (1) "the more important source materials," (2) finding devices, (3) bibliographies, and (4) general reference works. Promises (2) and (3) are more than satisfactorily fulfilled, though a few important omissions will be noted (e.g., there appears to be no reference to the check-lists of state government publications which appear periodically in a number of states; the existence of various loose-leaf services is barely mentioned; and there is no reference to the annotations of state constitutions found in the compiled laws of various states). It is easy to quarrel with the selection of texts, monographs, and

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treatises included. But the principal disappointment is in the failure of the volume to indicate "the more important source materials." Only on the publications which record the doings of Congress, federal legislation, and state and federal case law does the volume approach being an adequate guide to source materials. The student will not learn whether the annual budgets of school districts are ever or frequently printed, what one might expect to find in the annual report of an insurance commissioner, or where to look for the veto messages of the governor. He is, however, fairly sure to find a reference to any other book or article which will answer his question.—CHARLES S. HYNEMAN.

"To philosophize is to study the history of philosophy philosophically." In these words M. B. Foster furnishes the key to *The Political Philosophies of Plato and Hegel*" (Oxford: Clarendon Press, pp. xii, 207). "History of philosophy becomes critical," he says further, "only in so far as it adopts a method as rigorous as that of the scholar." Since, therefore, this work "purports to be an essay in the history of philosophy," the political doctrines of Plato and of Hegel are subjected to a rigorous philosophical analysis. Many uncertainties which persistently confront the reader of the *Republic* are greatly clarified. The defects of the organic theory of the state are philosophically explained. One perceives more basically why and wherein, as Pollock expressed it, "Plato never got to the point of having a theory of the state at all." The author maintains that in seeing the activities of auxiliaries and of guardians simply as an extension of the division of labor already present among the producing groups in the "first city," and in finding the virtue or perfection of the "ideal Polis" as of the "first city" to consist of justice, Plato failed to discover the true nature of the political function, and also to detect in his system that "freedom" which is considered the essence of the state in modern political philosophy. "This," he declares, "is the cardinal issue upon which the modern philosophy of the state differs from the ancient philosophy of the Polis, and upon which, in particular, Hegel's political philosophy not only differed, but was clearly recognized by himself to differ, from Plato's." In elaborating this difference, Foster develops the Hegelian political philosophy under the captions: "The 'Subjective Element' "; "Law as the Condition of Freedom in the State"; and " 'Civil Society' and State in Hegel." In the final chapter, "Ruler and Sovereign," however, he finds that Plato and Hegel alike fail to discover in the state the exercise of the creative will, in which modern political philosophy finds sovereignty to lie. The author has lived up to his own specifications. The book is excellently equipped with footnotes and appendices, and though the treatment becomes in places somewhat intricate and labored, he has let in upon his subject a "penetrating light." —ELLEN DEBORAH ELLIS.

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The case of democracy vs. dictatorship is becoming a *cause celèbre;* and rightly so. The authoritarian régimes challenge the liberal state on fundamentals. It is wholesome that the premises of the latter are being scrutinized. In most cases, the modern analyst concludes that freedom should be preserved, that immediate action to that end is imperative, and that such must take the form of radical economic reorganization, collectivistic in character. Amid the mass of current pamphleteering on this subject, the slim volume on *The Defence of Freedom,* by M. Alderton Pink (Macmillan and Co., pp. ix, 224) merits distinction. First of all, it is not an *apologia* for liberty, but a matter-of-fact attempt at reconstruction of institutions, lest dictatorship overtake democracy in democracy's homelands. In straightforward prose, the author advocates alterations of suffrage, of legislative procedure, of administrative organization, as prerequisites of the preservation of liberty. That these changes are cut on patterns familiar to students of government does not detract from the honesty of the job in hand. Secondly, the author gives the devil his due; for in modern dictatorship he finds virtues—of drive, of discipline, of leadership—and these he would instil into a reconstructed democracy. Finally, he insists that political reform must precede radical economic reorganization; for to him "the state has a purpose transcending economic organization. It exists to secure not only the means of livelihood but a way of life." Aside from his implicit idealism, the book is written with the terse "practicality" of an American mugwump. Nor does the layman—for whom it is written—safely neglect the author's incisive analysis of "The Decline of Reason in Contemporary Culture."—ALLAN F. SAUNDERS.

In his *Contemporary American Institutions* (Harper and Brothers, pp. 423), F. Stuart Chapin shows a high degree of literary craftsmanship in developing the thesis that social institutions are fundamentally psychological phenomena which are based on the behaviors of individuals. His exposition of the nature, scope, and underlying principles of social institutions and of public policies is keen, logical, and carefully presented, frequent use being made of tables and diagrams. Such social institutions as political parties, the church, the school, and the family are analyzed. Basic political principles are succinctly stated, dealing with popular government, political parties, local custom, tradition, social justice, international comity, government planning, protective tariffs, international debts, corruption, etc. Some factual errors, which are not essential to the general theme presented, have been allowed to creep into the book. These errors include a statement that a "bicameral council organization" is the "most common pattern" for city governments in the United States (pp. 31 and 60) and the assumption that "primary registration regulations" are merely in an experimental stage in "several states" (p. 43). The book

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contains statements with which some will disagree, as, for instance, that "there is essentially no debtor class" (p. 10), and that no "dislocation of the social structure occurs from single causes, nor is any readjustment to a higher level of the whole to be accomplished by simple panaceas such as wholesale tax reductions, debt moratoria, or legislative price fixing" (pp. 11–12). The errors of fact and questionable statements are much overshadowed by the many splendid qualities of the book, including logical arrangement of facts and thought-provoking, concise, and accurate statement of fundamental principles.—DANIEL B. CARROLL.

Politics and Politicians (London: Macmillan and Co., pp. viii, 93), by F. S. Oliver, is a reprint of the introduction to the author's *The Endless Adventure*, a two-volume study of Sir Robert Walpole. Although less than one hundred pages in length, the book is the most brilliant, wise, and delightfully written treatise of the sort that the reviewer has ever had the privilege of reading. The body of it consists of penetrating comments on the basic nature of national politicians and their place in society. The network of comments and brilliant general assumptions is built up around the personalities of Walpole, "the arch-type of the normal politician who forces his way into the highest positions," and, oddly enough, Lenin, who to maintain his political power proved as capable of sacrificing a cardinal principle as any ward politician. The attitude and accomplishments of these two men are touched upon, and the motives for their acts and attitudes described, and from these again are drawn brilliant generalizations concerning their craft, their art—that of governing men. Oliver reminds us that this is no mean art—"with all the temptations, dangers, and degradations that beset it, politics is still, I think, the noblest career that any man can choose" (p. 82). Finally, he says that the codes by which the outsider judges the politician are basically inadequate. The essay is both wise and penetrating, and there is not a heavy, obtuse, murky phrase in the whole of it.—J. T. SALTER.

Paul Mattick, author of *The Inevitability of Communism—A Critique of Sidney Hook's Interpretation of Marx* (Polemic Publishers, pp. 48), is a German-born left-wing Marxian, equally critical of the German Social Democracy and of the communism of the Third International. According to him, both are deeply in error on the score of making the highly centralized political party the absolute prerequisite of a successful proletarian revolution, thus denying the rôle of revolutionary labor spontaneity to be brought about by the inevitable collapse of the capitalist economic system following out the law of capitalist accumulation. Mattick considers Hook's work the first real contribution by an American author to the literature of Marxism, but quarrels with his injection of American pragmatism into Marx's system—a vital deviation from dialectical mate-

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rialism. The author's discussion, though indirect, of the economics of capitalism should serve as a useful correction to the all too prevalent version of Marxism which is not Marxism at all but a radicalized Hobsonianism.—SELIG PERLMAN.

Volume V of the new twelve-volume edition of Lenin's "Selected Works," issued in the United States in English translation by International Publishers, bears the title *Imperialism and Imperialist War* (pp. 392), and covers the period from the outbreak of the World War to the February revolution in Russia in 1917. In the "Collected Works" of Lenin, this period is covered by Vols. XVIII–XIX, which are also available in English. Materials selected out of the larger work for presentation in the present briefer collection are arranged under four main heads, i.e., (1) Imperialism, the Highest Stage of Capitalism, (2) The War, the Revolutionary Crisis, and the Tactics of the Party, (3) The Collapse of the Second International and the Struggle for the Third International, and (4) Imperialism and the Right of Nations to Self-Determination. Upwards of a hundred pages of explanatory notes add materially to the volume's interest and value.

Business and Government (Chicago: The Foundation Press, p. vii, 605), by Charles C. Rohlfing, Edward W. Carter, Bradford W. West, and John G. Hervey, is a second edition, bringing down to date a work first published in 1934. In the new edition, there are fewer pages and fewer chapters, yet the scope of the book has been broadened. Chapters have been added on public utility holding companies, governmental competition with private enterprise, highway and air transport regulation, public expenditures and business, government control of credit, and social security. The new edition, like the first, effectively carries out the intention of the authors not only to trace the changes in governmental attitude toward business as reflected in legislation, administration, and adjudication, but also to show points of contact between business and government and to show the need that those in business know their government. Excellent features of the book are the many concrete instances of recent legislation in our state and national governments relating to business, and the many interesting questions for class-room discussion appended to each chapter. —EARL W. CRECRAFT.

Bernadotte and the Fall of Napoleon (Harvard University Press, pp. 182), by Franklin D. Scott, is a condensation of the author's doctoral dissertation. It treats of the relations of the former Marshal of France and the French Emperor from the time when Bernadotte went to Sweden in 1810 to the first abdication of Napoleon in 1814. In seven chapters, the author describes the background of the drama, the building up of alli-

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ances designed to give Sweden Norway in compensation for Finland, the subsequent delays and intrigues, the armistice and plan of campaign, and the part played by Bernadotte in the Leipsic and the Danish campaigns and the campaign of 1814 in northern France. The work gives ample evidence of the author's ability to read the languages of Scandinavia and of his painstaking researches in the archives of Stockholm, Copenhagen, Berlin, Vienna, Paris, and London. As a consequence, he has made a valuable contribution to our knowledge of how Bernadotte acquired Norway for Sweden.—C. P. HIGBY.

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RECENT PUBLICATIONS OF POLITICAL INTEREST
BOOKS AND PERIODICALS

CHARLES S. HYNEMAN
University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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